

STATE OF CALIFORNIA
OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION
MEETING MINUTES SYNOPSIS - APPROVED

May 25, 2011

DoubleTree Hotel
Big Bear Room
222 North Vineyard Avenue
Ontario, CA 91764

IN ATTENDANCE:

OHMVR COMMISSIONERS:

Eric Lueder, Chair	Brad Franklin, Vice Chair
Breene Kerr	Diana Perez
Kane Silverberg	Paul Slavik
Stan Van Velsor	Gary Willard, Past Chair

CALIFORNIA STATE PARKS OHMVR STAFF:

Daphne Greene, Deputy Director, OHMVR Division
Phil Jenkins, Chief, OHMVR Division
Tim La Franchi, Legal Counsel, OHMVR Division

OTHER OHMVR STAFF AND REGISTERED VISITORS

1 **AGENDA ITEM I - CALL TO ORDER**

2 Chair Willard called the meeting to order at 8:30 a.m.

3 **AGENDA ITEM I(A) - PLEDGE OF ALLEGIANCE**

4 Commissioner Silverberg led the meeting attendees in
5 the Pledge of Allegiance.

6 **AGENDA ITEM I(B) - ROLL CALL**

7 Eight Commission Members were present at time of roll
8 call.

9 **AGENDA ITEM II - APPROVAL OF AGENDA**

10 CHAIR WILLARD: I'd like to make a proposal for
11 a change. Before we do that I want to remind everyone
12 we're going to try to have the Johnson Valley business
13 item held as close as possible to 1:00 p.m., and then
14 shortly after that we would follow with the BLM SRP
15 process.

16 I would like to make a motion to move Business
17 Item VI(A), Election of Officers for 2011, to right
18 after approval of the minutes and before the reports.
19 If you recall, this was a business item that was on the
20 agenda for our last meeting, but due to time
21 constraints we decided to hold it off until the next
22 meeting. According to our rules and regulations, the
23 officers are supposed to be elected in the
24 March meeting, I believe, and this being May, we are a
25 little behind. So I would move that we move that

1 agenda item to follow Item III.

2 COMMISSIONER SLAVIK: Second that.

3 CHAIR WILLARD: Any discussion? All those in
4 favor?

5 (Commissioners simultaneously voted.)

6 CHAIR WILLARD: Motion passes. Thank you.

7 Anyone else have any suggested changes to the
8 agenda?

9 COMMISSIONER KERR: Well, yes, Mr. Chairman, I
10 was just hoping that we could deal with Clear Creek
11 report and maybe we can get to that before this public
12 comment period at 11:00 if some of these other items
13 are handled expeditiously. So I guess it's not really
14 a change in the agenda, but I would like to see if we
15 can get to Clear Creek today before we get into the
16 Johnson Valley issues, which are going to consume most
17 of the rest of our meeting. I don't know if that
18 requires a change in the agenda.

19 CHAIR WILLARD: If you're going to change the
20 agenda, you should probably make it a motion.

21 COMMISSIONER KERR: The motion was that we could
22 try and expedite Items A, B, C and D and get to Clear
23 Creek before the public comment at 11 o'clock. I don't
24 know if that's a formal change. I assume we've said
25 public comment is going to be at 11:00 and supposed to

1 get it as close to 11:00 as possible. But I'm assuming
2 we have the flexibility to take up some of the business
3 items before that if we can get to this before 11:00.

4 CHAIR WILLARD: Typically during the morning if
5 we get through everything, then we start to work
6 through the business items.

7 COMMISSIONER KERR: Let's see if we can get
8 through the business stuff.

9 CHAIR WILLARD: I'm still wondering if you want
10 to move Clear Creek or not.

11 COMMISSIONER KERR: I think we have some other
12 people here to address the topics in Item No. IV that
13 should be heard first, but I'd like to ask them to move
14 quickly through their items if possible.

15 CHAIR WILLARD: Okay. So we will leave that
16 portion of the agenda alone and try to expedite; is
17 that what you're --

18 COMMISSIONER KERR: Uh-huh.

19 CHAIR WILLARD: Any other comments on the
20 agenda? Motion to approve the agenda as amended by the
21 prior motion.

22 COMMISSIONER LUEDER: Second.

23 CHAIR WILLARD: Discussion? All those in favor?
24 (Commissioners simultaneously voted.)

25 CHAIR WILLARD: Motion passes. Thank you.

1 **AGENDA ITEM III - APPROVAL OF MINUTES**

2 COMMISSIONER WILLARD: We have two sets of the
3 minutes in front of us, March 14th and April 5th.
4 Unfortunately, April 5th, we really didn't get this in
5 time, so we're going to move those to the next meeting
6 in September. So I'd like to make a motion for
7 approval of the minutes for March 14th.

8 COMMISSIONER LUEDER: Second.

9 DEPUTY DIR. GREENE: Chairman Willard, may I for
10 clarification purposes? As many of us recall, the
11 acoustics of the meeting room were terribly difficult.
12 We've been trying to work with Sandy, who was there at
13 the meeting, since we first got the minutes back. It's
14 been a process of trying to cross reference the tape
15 and get clarity on everything. So my apologies for
16 that.

17 CHAIR WILLARD: I was worried about that. It
18 was hard for me to hear and understand a lot of what
19 was said, especially by the panelists. That was very
20 difficult.

21 DEPUTY DIR. GREENE: So my apologies. The
22 minutes are on the website now. And any clarifications
23 that we need, we're going to be trying to gather those
24 through until September.

25 CHAIR WILLARD: So we have a motion for approval

1 of the March 14 minutes.

2 COMMISSIONER KERR: I have a comment. I've
3 noted that the minutes seem to be an issue for this
4 Commission, and instead of being summary minutes,
5 they're done as absolutely word for word, which no
6 doubt makes it expensive and difficult. I'd like to
7 ask the staff to take a look at doing this with modern
8 technology, like perhaps Granicus is a vendor who are
9 used by a number of commissions, state governments, and
10 local governments. Basically they videotape it, e-mark
11 it while you're doing it with time stamps and you put
12 it on the web and you're done. And then all you have
13 to do is publish summary minutes with links to the
14 video. And if you want to have everybody's quote word
15 for word, that's probably a highly effective. And I
16 don't know what you're spending on these minutes, but
17 it may be similar or less expensive.

18 DEPUTY DIR. GREENE: Duly noted. And I'll
19 follow up with you, if I may.

20 CHAIR WILLARD: Okay. Any other comments to the
21 minutes? Anyone notice anything they'd like to change,
22 rectify? All those in favor of approval of the minutes
23 of March 14th?

24 (Commissioners simultaneously voted.)

25 CHAIR WILLARD: Motion passes.

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2 **AGENDA ITEM VI(A)- Business Item - ELECTION OF OFFICERS**

3 CHAIR WILLARD: So now we are going to take
4 Business Item VI(A), Election of Officers for 2011. So
5 we need to elect a new chair and vice-chair, which will
6 serve for a one-year term. My term has expired. I've
7 served two consecutive years, which is the maximum, so
8 I'm done. It's been fun.

9 So I need a motion for potential candidates.
10 Would anyone like to nominate somebody?

11 COMMISSIONER SILVERBERG: I'd like to nominate
12 Eric Lueder for the chair.

13 COMMISSIONER SLAVIK: I'll second that.

14 CHAIR WILLARD: Probably take them one at a
15 time. Are there any other nominees for chair? Hearing
16 none, I guess we'll have a vote. All those in favor of
17 electing Commissioner Lueder to Chairman of the
18 Commission?

19 (Commissioners simultaneously voted.)

20 CHAIR WILLARD: Commissioner Lueder is now the
21 chairman. (Applause.)

22 Let me finish up this business item, then you
23 can take over. So we need to have a nomination for
24 vice-chair.

25 COMMISSIONER SILVERBERG: I'd like to nominate

1 Brad to vice-chair.

2 CHAIR WILLARD: Commissioner Franklin, are you
3 willing to accept?

4 COMMISSIONER FRANKLIN: Absolutely.

5 CHAIR WILLARD: Are there any other nominations
6 for vice-chair?

7 COMMISSIONER KERR: I'll second.

8 CHAIR WILLARD: So all those in favor of
9 Commissioner Franklin as vice-chair, please vote.

10 (Commissioners simultaneously voted.)

11 CHAIR WILLARD: Motion passes. And
12 congratulations, Commissioner Franklin, as vice-chair.
13 And with that, I'm now going to pass the rest of this
14 meeting over to our new chairman. Thank you.

15 DEPUTY DIR. GREENE: If I may, Chairman Willard,
16 it has been a wonderful ride. You came on at a
17 difficult period, SB 742 which had just passed changed
18 dramatically the Commission, the grants program, many
19 of the items that we deal with at the Division. And
20 your leadership and stability and your desire for
21 accountability was greatly appreciated. So on behalf
22 of all of us at the OHV Division, we would like to
23 present you with this.

24 CHAIR WILLARD: Thank you so much. As a true
25 gear head, this will look great in my den. I guess I

1 should probably say a few words. Indeed, it's been
2 quite a ride. I was appointed in 2006 to a much
3 different Commission. Deputy Director Greene and I
4 happened to meet in Burlingame, a snowmobile meeting.
5 That was the first big meeting I had gone to because I
6 was involved in forming the snowmobile club in Bear
7 Valley, and I got involved in the politics up there.
8 And I was sitting at a table with Daphne the first time
9 I met her, and Fred Wiley, who I had known for quite a
10 while at that point, introduced me. Next thing I know
11 I've got my arm twisted to become a commissioner. The
12 more I thought about it, I said sure, but I didn't
13 really know what I was getting into at the time because
14 the Commission back then was very different than now.
15 It was quite a contentious, very adversarial
16 environment, and it was a real challenge.

17 But I'm very, very gratified to have been able
18 to serve on the Commission from that point to this
19 point where we have a commission that I think is one
20 that works really very, very well together and is
21 committed to moving forward in a very progressive
22 manner in serving the needs of the program. And so
23 I've just been very pleased and honored to have been
24 able to serve a role in that capacity as chair for the
25 last two years. Thank you so much for this. This is

1 great. Thanks. (Applause.)

2 CHIEF JENKINS: And just a word about the plaque
3 itself. Terry Harper from our staff helped put that
4 together and started working with various trophy shops
5 to get that put together. We found one enthralled with
6 the project. They took it on as a pet little project.
7 The center portion is metal that's been printed on, and
8 the words around the outside they actually laser etched
9 into the sprocket, which is the first time they've ever
10 done anything like that. They decided that was just
11 the best thing they had ever seen. You got the first
12 run off.

13 CHAIR WILLARD: I really appreciate that.

14 COMMISSIONER SLAVIK: But it's not an aluminum
15 sprocket.

16 CHAIR WILLARD: Or carbon fiber even.

17 COMMISSIONER KERR: Next time a gold anodized.

18 COMMISSIONER SLAVIK: I'd like to say something
19 also. I would like to thank Gary for his leadership
20 for commissioners up here. I remember the old days of
21 the Commission, even though I wasn't on it, and it was
22 awful. But to sit up here now and have a group of
23 people that can work together and interface with the
24 public is really gratifying for me. I can go home at
25 night and sleep. And even when I wasn't on the

1 Commission, I went home and didn't sleep thinking about
2 things here. And it's great to work with staff. And
3 the interaction between the staff and the Commission I
4 think is superb and actually could be a model for what
5 we think in the private sector the way the public
6 sector should be working. So thank you, Gary.

7 CHAIR LUEDER: At the risk of adding more to
8 that, I'll just briefly thank Gary for his leadership
9 and professionalism that he's always shown as chairman,
10 and I always looked up to him as somebody to model
11 myself after, and hopefully I've learned a couple of
12 things. And once I get into this, hopefully I'll be
13 able to get close to that bar that you set. So thank
14 you.

15 So moving on to Item IV, Commission Reports, any
16 Commissioners have anything they'd like to report
17 that's not on the agenda at this time?

18 COMMISSIONER KERR: I've had a number of
19 constituents complain about Carnegie and the slow pace
20 of getting to a site management plan, and also opening
21 up new areas, and a lot of the temporary barriers that
22 are around the water features at the site. We have a
23 large population of users in the Bay Area. They've had
24 to now use a smaller number of areas due to the closure
25 of Clear Creek, and I'd like to understand how we can

1 expedite the improvements at Carnegie. And this may be
2 an appropriate item for our next meeting, but in the
3 meantime, I'd like to ask the staff to pay particular
4 attention to this site that is heavily used by a now
5 underserved population and that we apparently have a
6 lot of plans and money in place to do something, but
7 the improvements are not proceeding at a pace that most
8 people would like to see.

9 CHAIR LUEDER: Thank you, Commissioner Kerr.

10 A note to those who would like to speak to the
11 agenda items, use the green cards. And blue cards are
12 for non-agenda items. So for the report sections,
13 we'll hear all of the reports and then at the end of
14 the report section, we will have public comment for
15 those who wish to comment on those.

16 Any other Commissioner reports at this time?

17 COMMISSIONER VAN VELSOR: I would like to talk
18 just a little bit about the Education Subcommittee.
19 Paul and I are on the Education Subcommittee. We've
20 been working with the Division now for several months
21 putting together a group of professionals to help
22 advise the Division on developing a long-term education
23 and outreach campaign from the standpoint of promoting
24 rider responsibility.

25 And I was recently informed by Deputy Director

1 Greene that there's the possibility that the Division
2 will not be able to provide travel for our group of
3 experts to meet. I believe we have 10 to 12
4 individuals that we have invited to participate. They
5 have agreed. It's a high level of professionals from
6 both the agencies and universities, as well as some
7 nonprofit organizations. I don't think it's reasonable
8 for us to ask them to participate in this without
9 travel expenses. They don't have the resources to
10 accommodate that, and we would not I think get the
11 outcome that we're looking for if we cannot get the
12 particular level of professionals that I think we need.
13 And without travel, I don't believe we can get that.
14 So on the one hand I think it would undermine our
15 efforts and, secondly, I think it's unfair for the
16 Division to ask folks at that level of expertise to
17 participate without travel.

18 So I guess I'm asking at this point that the
19 Commission could ask or make a recommendation that the
20 Division put the Education Advisory Committee at a
21 higher priority within the budgeting scheme so that we
22 can gain travel for these folks.

23 DEPUTY DIR. GREENE: If I may clarify, this is
24 the result of the Governor's Executive Order that is
25 very restrictive about the travel that we can do across

1 state government. So this is in line with the
2 reduction of cellphones by half and a reduction of our
3 vehicle fleet by half. And so we are still grappling
4 with this process right now. It is not a result of a
5 lack of commitment on behalf of the Division, and I
6 appreciate both Commissioner Van Velsor and
7 Commissioner Slavik's commitment to this process and
8 what we have to do.

9 Just for clarification purposes, it was
10 problematic at best for us to be able to get this
11 Commission meeting down in Southern California. There
12 was a lot of pushback to have it in Sacramento and that
13 there would be no travel for staff, no travel for
14 commissioners. So we will duly note it. And as we
15 submit each justification that has to go to the
16 Secretary of Resources Agency for approval, we will
17 work to make sure that it's acknowledged that it's a
18 priority for the Commission, as well.

19 CHIEF JENKINS: And the approval process of what
20 they're making us do is take every bit of travel for
21 anybody, anything, and they've given us four or five
22 categories that it has to be approved under, like
23 meeting a legal contract or there's these very rigid
24 criteria. And we're submitting requests for all of the
25 travel that we want to do in the coming year. And for

1 things like the Education Subcommittee, it doesn't fit
2 neatly under any of those requests, so we're trying to
3 figure out the best way to explain what's going on
4 because we concur it's a very important issue. It does
5 in the long run meet most of those criteria, but it's
6 not readily apparent how it meets those criteria. So
7 we are developing requests and asking for the Secretary
8 of Resource and Administration to look at that to give
9 serious consideration. We're doing the best we can on
10 that. We don't yet know how it will turn out.

11 COMMISSIONER SLAVIK: Would it help if the
12 Commission approved a motion that you could carry along
13 with your request?

14 DEPUTY DIR. GREENE: Certainly, if that's
15 something you'd like to do. I think we get the message
16 loud and clear. Quite frankly, it's helpful, so it
17 enables us to push even harder to have an additional
18 justification. I could work with the Subcommittee. It
19 was identified as a priority in the strategic plan, so
20 to that regard that's the way we've been approaching
21 it.

22 COMMISSIONER VAN VELSOR: I guess I would say
23 because this issue isn't on our agenda, I don't think
24 it's within our process to make a motion at this point.
25 So I would encourage you to pursue this opportunity as

1 you've indicated you support, and we'll go from there.

2 COMMISSIONER PEREZ: Chairman Lueder, I work in
3 education, so I'm quite familiar with the restrictions
4 in travel, so I do agree. I would like to ask how I
5 might be able to join the Education Subcommittee. I
6 would be interested in that particular group.

7 CHAIR LUEDER: The subcommittees, pursuant to
8 Bagley-Keene, need to be limited to only two members,
9 so that's the limit on subcommittees.

10 DEPUTY DIR. GREENE: Is the request to try and
11 be on the education group itself, those people that the
12 subcommittee has identified as the 12 experts or are
13 you looking to be on the subcommittee with Commissioner
14 Van Velsor?

15 COMMISSIONER PEREZ: I was actually looking to
16 be on the subcommittee with the commissioners.

17 COMMISSIONER KERR: What state statute is it
18 that doesn't allow more than two members on a
19 subcommittee?

20 ATTORNEY LA FRANCHI: Bagley-Keene. I can cite
21 you to it if you'd like me to.

22 COMMISSIONER KERR: Could she be an alternate?

23 ATTORNEY LA FRANCHI: I'm not sure about the
24 alternate. I think we've looked at that in the past,
25 and as long as they don't participate in the regular

1 meeting, as long as there is no more than two at a
2 time. If there are three or more at a meeting, it has
3 to be a public meeting.

4 COMMISSIONER KERR: So it's not just a majority,
5 it's three. It's just no more than three people can
6 have a discussion or no more than two?

7 ATTORNEY LA FRANCHI: The general rule is no
8 more than a quorum of members of a body like the
9 Commission may have communications between themselves.
10 That constitutes a meeting.

11 COMMISSIONER KERR: So three constitutes a
12 quorum.

13 ATTORNEY LA FRANCHI: In this case, five
14 constitutes a quorum. There is an additional special
15 provision in Bagley-Keene dealing with subcommittees
16 that provides three or more members of a subcommittee
17 requiring a public meeting.

18 COMMISSIONER WILLARD: Question of counsel. So
19 I was under the impression that only two commissioners
20 could meet at any given time period, and "meet" also
21 meant e-mails or any form of communication. And once
22 you added a third to say an e-mail communication or a
23 meeting discussing commission business, then that
24 potentially could create a violation of Bagley-Keene.
25 Is that not true? Because the quorum is now five and

1 maybe I was going when we only had a lesser number of
2 commissioners because we did have some vacancies.

3 COUNSEL LA FRANCHI: There are two separate
4 analyses for dealing with a subcommittee versus dealing
5 with a commission as a whole. If fewer than a quorum
6 of commissioners, for example, Commissioner Kane,
7 Commissioner Van Velsor, Commissioner Slavik have a
8 communication about some issue, that's fewer than a
9 quorum, that communication would not be a violation of
10 the open meeting law. That's the general rule. If,
11 however, Commissioner Slavik then turns around and
12 talks to the chair about what those four people talked
13 about, that becomes a serial communication and that
14 violates Bagley-Keene. That's the premise that you
15 operate under. If, however, the chair formally
16 appointed a subcommittee and that subcommittee consists
17 of three or more individuals formally appointed and
18 they meet to discuss their area of topic, then that
19 meeting has to be open. If it's two commissioners,
20 then that meeting doesn't have to be open. It's two
21 different analyses.

22 COMMISSIONER KERR: I'm glad this got brought up
23 today because this has been a concern of mine. I
24 mentioned it to our counsel that I wanted to point out
25 to the Commission members that these meetings occur

1 relatively infrequently and the business of the
2 Commission goes on in between the meetings, and we need
3 to also suggest topics for the agenda for our next
4 meeting, et cetera. So what I've noted in the e-mail
5 communications is that people haven't been replying to
6 e-mails. I've sent I think a couple of them to the
7 entire Commission, and I suspect it may be an
8 overcautious reaction to this state statute.

9 In my experience in public agencies, the thing
10 that creates a violation is if we were to discuss an
11 item outside of the Commission meeting and come to a
12 conclusion about that item or agree on some course of
13 action without the participation of the public, which
14 is certainly not my intention, and so I think this is
15 good that we're having this discussion because it's
16 okay to send me an e-mail back: That's a cool picture,
17 let's talk about that at our next meeting. And even if
18 all seven of you reply to that, that doesn't mean we
19 came to any conclusion other than that was a pretty
20 wildflower.

21 So I'd like to encourage the Commission members
22 to communicate effectively in between meetings within
23 the balance of the law which has been described to you
24 by our counsel, and that we recognize there are a lot
25 of things going on in between meetings that we may need

1 to address.

2 COMMISSIONER WILLARD: Chairman, if I may, I was
3 perhaps guilty of being overly cautious, but again I
4 think I'm still confused because I had thought that any
5 time there was any e-mail correspondence concerning
6 Commission business, that just that e-mail itself could
7 potentially be a violation. But now I'm hearing that
8 it would be four, but if Commissioner Kerr sent an
9 e-mail to the entire Commission talking about making a
10 suggestion for an agenda item for the next meeting,
11 would not that be a potential violation?

12 ATTORNEY LA FRANCHI: I don't believe that
13 communication would be a violation as long as it's a
14 commissioner just suggesting to the rest of the
15 commissioners: I'd like to talk about at the next
16 meeting X or Y. And as long as the rest of the
17 commissioners don't get back with their discussion
18 about their opinion or their ideas about that topic, if
19 they just reply and say we like the idea of having that
20 come up at the next meeting, I think that would be
21 sufficient.

22 If, however, the discussion starts to go back
23 and forth, well, should we do that or not, is that a
24 good idea, et cetera, that would then get into the
25 realm of a potential violation of Bagley-Keene. So I

1 think, if you'd like, I could at a future meeting also
2 put together -- or if individual Commissioners have a
3 question, I could try to respond off the record or I
4 can put a little workshop together, half-hour
5 presentation at a Commission meeting and maybe go into
6 that in a little more depth.

7 COMMISSIONER WILLARD: I remember you getting
8 into this several years ago, and that's where I got the
9 initial information on, again, my cautious approach to
10 it. But I don't know if the law has changed or maybe
11 there has been some cases that have loosened things up.
12 But based on your comments to us several years ago,
13 that's where I got the impression that you really
14 couldn't do e-mails to the entire Commission.

15 ATTORNEY LA FRANCHI: And I think that would
16 still be my advice is that we need to be very cautious
17 about those e-mails. I think Commissioner Kerr's
18 suggestion about going to the extent of an e-mail, this
19 topic is something I would like to bring up at the next
20 meeting, is that something we could put on the agenda,
21 that would be fine. The logistics of a meeting, what
22 time, where the meeting is going to be, that would be
23 fine. That couldn't go to the substance of a
24 particular business item.

25 But if you start to get into the substance,

1 sometimes there could be a gray line that isn't always
2 very bright. So it does take a little bit of judgment.
3 We have always exercised a good deal of caution. Some
4 of the commissioners in the past, as Commissioner Van
5 Velsor just mentioned, he was concerned about even
6 making a motion on an agenda item if it hadn't been
7 noticed because the public then would not be on notice.
8 So we have had commissioners in the past and cases have
9 come down where even a communication between staff for
10 all the Commission with presentation of information or
11 bringing in an expert to talk to the quorum of a
12 commission about, this was in the educational context,
13 contents of textbooks, has been found by the courts to
14 be -- even the transmission of information one-way
15 direction has been found by the courts to be a
16 violation of the meeting rules. So these cases all
17 have been very conservative and very cautious in
18 favoring the public's rights to be present and hear the
19 Commission's business. We have been very cautious, but
20 I think from my perspective that e-mails about what
21 should come up at the next meeting and does that make
22 sense to be on the agenda at the next meeting, do we
23 have time, logistics, where the meeting should be,
24 those would be adequate, as Commissioner Kerr
25 suggested, as long as we don't get into the

1 back-and-forth discussion about the substance of the
2 validity of the item.

3 COMMISSIONER WILLARD: I agree with
4 Commissioner Kerr. The Commission needs to continue
5 with the business as best we can, and we don't meet
6 that frequently. It has been a handicap. It's been
7 difficult to get things done in between when you can't
8 communicate with one another. So I've always been
9 frustrated with that. I guess what I'm hearing is
10 really there is nothing new here. We really do have to
11 be very careful on communications, and if it's more
12 than four people on an e-mail, then that's potentially
13 problematic. And I guess photos are certainly okay,
14 but once I get into anything else, it starts to get
15 into an area where we do have problems.

16 And correct me if I'm wrong, when we had the
17 audit back in '06/'07, wasn't this one of the items
18 that was mentioned in that report as being an area
19 where the Commission wasn't quite doing things the
20 right way?

21 DEPUTY DIR. GREENE: In the BSA Audit of 2005,
22 they did identify some of the communication with the
23 Commission was questionable. That is quite frankly why
24 we do have the minutes taken in the way that they are.
25 We got a lot of pushback from the auditors about how we

1 didn't have transcripts available. But I think that in
2 the spirit of cooperation, I certainly think that if
3 Commissioner Kerr sent out an e-mail: I've taken a
4 trip, I don't think any of you need to be afraid to
5 say: Thank you, we appreciate you taking the time and
6 going out there, very interesting, look forward to
7 following up with you on this item at the next
8 commission meeting. Certainly the subcommittee work
9 that gets done, the commitment by subcommittees to
10 move, that's an area that certainly we can improve
11 upon.

12 CHAIR LUEDER: Let me address a couple of
13 things. So Deputy Director Greene, could you please
14 look into how Commissioner Perez might be included in
15 some of the educational discussions and confer with
16 counsel on that.

17 And then, secondly, I think it would be helpful
18 if we could have a simple communication in writing that
19 would advise the commissioners on dos and don'ts on
20 communications out of the public meeting setting. And
21 I would like to keep that fairly short and simple. So
22 if you could work with counsel on that, I think that
23 would address Commissioner Kerr's --

24 COMMISSIONER KERR: I can tell you how to do
25 Perez, get her as an alternate and then talk to the

1 other person on the committee about maybe they might
2 not want to show up. You can't have more than two of
3 them present at the meeting, right? That's a rule. So
4 if we appoint her as an alternate today.

5 ATTORNEY LA FRANCHI: I would want to look at
6 that a little bit more.

7 COMMISSIONER KERR: Let's look at that at lunch,
8 and we'll talk about it this afternoon.

9 ATTORNEY LA FRANCHI: It depends on how involved
10 the alternate would be off-line.

11 COMMISSIONER SLAVIK: I think what we're talking
12 about here is if we pull this together, this group of
13 experts together, we're going to be in a room with
14 Commissioner Van Velsor and myself. And if
15 Commissioner Perez wanted to be there, then that would
16 have to be noted as a public meeting, wouldn't it?

17 COMMISSIONER KERR: So what.

18 COMMISSIONER SLAVIK: Well, it might be okay.
19 But maybe back up. We do want to have a very frank
20 discussion about the issues involved in this thing
21 without making a big project out of it.

22 DEPUTY DIR. GREENE: I think that's why he was
23 asking if she were to serve, and we'll look at this.
24 If she were to serve on the actual education group as
25 an educator would that be different. You have three

1 commissioners, but you wouldn't be doing Commission
2 business. You two are in your role as a Commission
3 subcommittee, Commissioner Perez is there as an expert
4 in the subject matter. We will take a look at this.

5 COMMISSIONER SLAVIK: Thank you.

6 CHAIR LUEDER: If there are no more Commissioner
7 reports, I'd like to move on, please.

8 Item B, Deputy Director's report.

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10 **AGENDA ITEM IV(B)(1) - Deputy Director's General Report**

11 DEPUTY DIR. GREENE: We'll try and make this a
12 little bit shorter here. First of all, I would like to
13 thank -- many of you know Steve Kortoff -- for the
14 public and Commission. He's responsible for the
15 organic trail mix that's in front of you. So he was
16 not able to make the meeting and wanted to share that
17 with you.

18 Last Saturday we had the 43rd Hangtown event at
19 Prairie City. This is a really a model of
20 public/private partnership. We work closely with the
21 Dirt Diggers who started the Hangtown event up in
22 Placerville in 1969. It moved to Prairie City in 1979.
23 It is the start of the Outdoor Motocross Series, 12
24 races around the country that starts at Prairie City.
25 What I think is particularly impressive now is this

1 event is televised to 104 nations in 18 different
2 languages and 200 million people worldwide. So little
3 tiny Prairie City is there on your television set
4 around the world. Chad Reed took the day, and I think
5 we estimated a crowd somewhere between 20 and 30,000
6 people were there for a wonderful afternoon.

7 COMMISSIONER KERR: What does it cost to get in?

8 DEPUTY DIR. GREENE: I think the tickets were
9 \$30 for general admission.

10 There was also an event on the steps of the
11 Capitol on the Thursday before the event on Saturday.
12 All of the manufacturers arrived with their large rigs,
13 and so they were all the huge trucks, and they were
14 lined up on 10th Street in Sacramento, and then had a
15 signing of autographs and speeches and interviews given
16 by the professionals. A lot of kids came out and it
17 was just a unique opportunity to be able to get up
18 close with the riders.

19 COMMISSIONER SLAVIK: On that item, do we have a
20 press release on that?

21 DEPUTY DIR. GREENE: That's a good point. I'm
22 sure we will.

23 COMMISSIONER SLAVIK: Sounds good.

24 COMMISSIONER KERR: So \$600,000 a gate, and then
25 what was the net result of all of this for just -- does

1 that local facility benefit from this?

2 DEPUTY DIR. GREENE: The Dirt Diggers is a
3 nonprofit, and the only nonprofit club that puts on an
4 event of this magnitude. All of the proceeds go back
5 to different organizations. So, for instance, the Girl
6 Scouts are responsible for cleaning up the garbage at
7 Hangtown. They in turn get to take all of the
8 recycling that they get, and they can cash in that
9 recycling, and it goes to the organization. In the
10 past, they've been responsible for the building of the
11 pit area where the professionals can park and wander
12 through the pits. So it really is a pretty unique
13 partnership that we have. I can get you more specifics
14 if you're interested on that note.

15 On to the Oceano Dunes, I know that Commissioner
16 Van Velsor and Commissioner Franklin spent quite a bit
17 of time down at Oceano Dunes talking to the
18 concessionaires. We went out on the ground. The
19 request for proposal went out at the end of March. The
20 closing of the open bid process will take place on
21 June 29th. So at that point in time, anybody who is
22 interested will put in their bids. As the bid process
23 goes, we'll be looking at awarding those bids. We have
24 five openings for concessionaires at Oceano, and it
25 goes to the lowest bidder, as we always have to go with

1 that ranking. Just an FYI on that. We'll keep you
2 informed between now and the next Commission meeting.

3 At Oceano Dunes, again, the pilot projects for
4 the air quality monitoring are continuing. I'm going
5 to turn it over to the Chief on this.

6 CHIEF JENKINS: Very briefly, if you recall at
7 Oceano Dunes there has been a lot of concern because of
8 a study that showed there was a lot of PM10 emissions
9 going into the mesa from the dunes. We've been working
10 closely with the county and air pollution control
11 district looking at ways that we might address
12 reduction measures out in the dunes. The first step
13 where we really got something concrete going was the
14 pilot projects. So we did a number of pilot projects
15 on the dunes; hired some scientific outfit that advised
16 on how to set them up and collect the data. Things
17 such as setting out straw bales of hay to look at
18 creating irregularity of the dunes to simulate that
19 there was vegetation there and how it affects the wind
20 turbulence pattern and how it takes the sand and moved
21 it, et cetera. They had scientific instrumentation and
22 whatnot. So that was done in that windiest period of
23 the year. So those pilot projects have now concluded.
24 The data has been collected, and they're analyzing that
25 data, and then looking at what was successful, what

1 wasn't maybe as successful as we hoped.

2 The idea out of all of that is to take some of
3 the data that's collected, and again to develop a
4 particulate matter reduction plan. So that's the
5 direction that we're all headed is to look at what we
6 can do to manage those dunes that in the long run is
7 going to reduce the amount of PM10 that's generated and
8 moved inland into the local community.

9 I might note that one of the things that came up
10 related to that, we wanted to put up wind towers
11 throughout the dune field so we could get an overall
12 picture of the wind movement in the dune field. Our
13 request for those has been appealed to the Coastal
14 Commission, so we're awaiting word from the Coastal
15 Commission on that. We did, though, when we first put
16 in the request have one tower that was granted by the
17 county as an emergency permit, and that one was up. As
18 it turned out, it's a good thing it was because the
19 instrumentation that was put up by the scientists at
20 all of the different locations related to the pilot
21 projects, the wind blew so hard it twisted their mounds
22 so they couldn't get any directional measurements that
23 were solid on those. And the one tower that we do have
24 up is a permanent tower that has a two seven- and
25 ten-meter anemometer and wind direction, et cetera, was

1 able to supply the data. So we did save the project,
2 if you will, because the county was able to give us an
3 emergency permit on the one tower. We'll continue on
4 that. As there are new developments, we will let you
5 know.

6 DEPUTY DIR. GREENE: And if I may, I know this
7 is a little inconvenient for the way the room is
8 configured, but I would just like to again to thank the
9 commissioners. Yesterday we had a tour of Johnson
10 Valley. It was a very enjoyable day, and if I could
11 ask the commissioners if you can see the screen from
12 there. But if you can't, maybe stand up and walk over
13 there to the other side because we just have a few
14 minutes of video. For those members of the public who
15 weren't able to join us, perhaps we can treat you to a
16 wonderful day for the commissioners perhaps reliving of
17 that day.

18 (Viewed video.)

19 COMMISSIONER WILLARD: I'd like to thank the
20 staff for an outstanding day. I'm sure it took a lot
21 of preplanning and maybe even some wringing of hands
22 over whether this was the right thing to do or not, but
23 it was fun. But more importantly, for me at least, it
24 really did highlight the fact that this is a real
25 unique area. I mean as far as recreational

1 opportunities in the state goes, it's hard for me to
2 imagine an area that you have world-class rock
3 climbing, high-speed desert runs, and sand dunes all
4 within ten minutes of each other. And so the ability
5 to do that has got to be unique, I would think. I'm
6 not an expert on the desert. Maybe there are more
7 areas like this, but to me it just seems like it's a
8 unique resource that we need to do everything we can to
9 protect it. So I think that's why it was important for
10 me to get out there because I had no clue what was out
11 there. So, again, thank you.

12 COMMISSIONER SLAVIK: Additional comment, I
13 think it's apparent to all of us that were out there
14 that even though this was an open area, and it's been
15 open for, Ed, what, 30 years or more, and all of the
16 racing and all of the rock climbing and all of the
17 touring and all of the stuff that's gone on out there,
18 I would guess just off the top of my head the amount of
19 impact to the actual ground by off-road vehicles is
20 probably less than five percent of the area where there
21 actually was road or a trail. A huge amount of area
22 there that was still open, still available for the
23 plants to exist, still available for the tortoise to
24 roam. It's got to be an example of the actual
25 recreation off-road activity, the reality of its

1 impacts, rather than the perceived impacts that are
2 continually promoted in the press. I think we need to
3 somehow highlight that and make sure that the world
4 knows about that.

5 COMMISSIONER KERR: I think they need to do a
6 better job of protecting those yucca plants. We had
7 that one fenced-off area, but there's a bunch more of
8 them out there. If those things are 2,000 years old, I
9 would like to see some posts around them to keep
10 somebody from just inadvertently, not knowing, roosting
11 through one of those yucca circles. That struck me.
12 Kind of walked out there, took a picture of one that
13 was not in the fenced area.

14 //////////////////////////////////////

15 **AGENDA ITEM IV(B)(2) - Grants Program Update**

16 OHV STAFF LONG: Good morning, Commissioners.
17 I'm Kelly Long with the grant staff, and you may not
18 notice but conspicuously absent in all of the photos of
19 your tour yesterday were any of the grant staff because
20 we were actually back in Sacramento diligently
21 reviewing and scoring grant applications. So what I
22 would like to do is just give you very briefly the
23 status of the 2010/2011 Grants and Cooperative
24 Agreements Program.

25 The cycle began on January 10 of this year, and

1 with that we actually had a couple of workshops,
2 including one here at this very facility, to sort of
3 kick off the program, get people educated, remind them
4 what they need to do, remind them of the timelines.

5 COMMISSIONER SLAVIK: Kelly, excuse me, is this
6 what we have in the packet?

7 OHV STAFF LONG: Yes, a summary sheet is
8 available also on the table for the public. And, yes,
9 this summary sheet shows the final amounts and grants
10 requested that we have received.

11 On March 6th, we had 109 applicants submit 234
12 projects for the preliminary application review.
13 Through the month of March, the Division and the public
14 had the opportunity to make comments on all of those
15 applications. And then throughout the month of April,
16 each of the applicants then had the opportunity to go
17 back and make any revisions to their application based
18 upon comments from the Division or from the public.
19 And then they submitted final applications to the
20 Division on our online grant application system,
21 affectionately known as OLGA. And those final
22 applications were submitted on May 2nd. And the
23 Division at that point received 232 projects from a
24 total of 107 applicants. You can see that some of the
25 applicants have multiple projects.

1 Going forward, the Division grant staff is
2 currently reviewing all of the applications, making
3 sure the applications are consistent with the
4 regulations, seeing what changes were made, answering
5 any questions we can, making sure we have everything
6 there to adequately score these projects. And I would
7 remind you that this is a competitive program, and the
8 applicants are ranked, and the higher-ranking
9 applications then are funded.

10 If you look on the summary sheet that you have
11 here, at the bottom line there, the available amount,
12 you can see that in some instances, particularly in the
13 blue category which includes the ground operations,
14 acquisition, development, and planning, those come out
15 of the same pot of money. There's \$13 million
16 available. There is almost \$14.9 million requested in
17 that category. So we're oversubscribed there, so that
18 will go to the competitive scoring process.

19 Similarly the education safety projects are
20 oversubscribed. There are \$1.3 million available, and
21 nearly \$2.6 million requested in that, as well.

22 The law enforcement, you'll notice there's
23 \$5.2 million available, almost \$8.4 million requested.
24 That category is treated slightly differently. It is
25 not competitive. Everybody that requested money that

1 is eligible will receive it. It will be essentially
2 prorated at that point.

3 So with that, the grant application team
4 continues the scoring. We will post what we call the
5 intent to award, which will be our funding
6 recommendations that will appear on the Division
7 website on June 6th of this year. So I'll wrap it up
8 right now and happy to answer any questions.

9 CHAIR LUEDER: Thank you, Kelly. So I see the
10 restoration category was undersubscribed by about
11 \$600,000.

12 OHV STAFF LONG: Yes.

13 CHAIR LUEDER: So that \$600,000 will roll over?

14 OHV STAFF LONG: That will roll over and stay
15 within the restoration category.

16 CHAIR LUEDER: And so the law enforcement is not
17 competitive, so it's prorated?

18 OHV STAFF LONG: Correct.

19 CHAIR LUEDER: How do you determine if a law
20 enforcement agency really has OHV opportunity or some
21 connection to OHV law enforcement? I've heard
22 anecdotally some local agencies -- obviously all local
23 agencies are looking for money, and some are putting in
24 requests and don't really have an OHV issue.

25 OHV STAFF LONG: In that regard that makes the

1 preliminary grant application extremely helpful,
2 especially with the law enforcement. We work with our
3 public safety team. They're actually the ones looking
4 at the law enforcement grants, looking at the
5 justifications, the funding requests, and they're going
6 through essentially line by line identifying is there a
7 real nexus, is there an actual need, is the funding
8 requested appropriate, is staffing or the equipment
9 that they're anticipating to purchase appropriate for
10 those individual jurisdictions. Especially with the
11 cities and counties because they are a larger pool of
12 applicants and they're lumped together. So we do use
13 our law enforcement staff to really go through and
14 identify. And they have in the past reduced some of
15 the application requests and the funding
16 recommendations considerably.

17 CHAIR LUEDER: Great. Open it up to
18 Commissioners.

19 COMMISSIONER SLAVIK: Kelly, I have a question
20 about education safety, and maybe you're not the
21 appropriate person to answer this question. But
22 relative to our previous discussion about a statewide
23 education program, that is obviously going to cost some
24 money down the road if we do implement it. Does that
25 come out of this budget or separate funding for that

1 internally?

2 OHV STAFF LONG: That is separate money. The
3 grant funding is strictly for the grants program.

4 COMMISSIONER SLAVIK: Is there a way that if we
5 do implement a program on a statewide basis that these
6 applicants would apply to make it a statewide program
7 for some -- I'm just thinking of materials or something
8 that is going to be available from headquarters for
9 some consistent message, rather than them taking on
10 things individually.

11 OHV STAFF LONG: In that regard I think that's
12 sort of for the time being, no, it would have to be
13 sort of an evolutionary process as far as what comes
14 out of the subcommittee and what comes out of the
15 education program as it develops. Currently as it
16 stands, they will come through the standard grants
17 program.

18 But I think it's certainly an opportunity to, if
19 nothing else, working with the grants program to
20 improve the review process, that sort of thing.

21 COMMISSIONER SLAVIK: I'm just thinking about
22 our options down the line, what do we have available
23 when we do implement hopefully a good statewide
24 program.

25 OHV STAFF LONG: And to that end, I would also

1 add in reviewing the education grants in particular,
2 similar to working with the law enforcement folks in
3 our office, the grant staff has also engaged the
4 interpretive staff at headquarters, and they are
5 helping us with their professional perspective in
6 reviewing the education programs as we go through. And
7 that's been a really good use of our resources and
8 expertise that we have inhouse, so we're trying to make
9 sure we're getting a little broader view. It's been
10 educational for us, as well.

11 COMMISSIONER SLAVIK: Another thought on that
12 subject, too, might be there is something in OLGA or
13 something in the competitive process that would lead
14 the applicant to the information that we have
15 available.

16 CHIEF JENKINS: Certain, if I may, what we've
17 discussed is that once we have something to refer back
18 to, similarly to the way that we treat the soil
19 standards for the habitat monitoring system, et cetera,
20 when we have those standards and the program in place,
21 then right now the way the grant program is, the more
22 closely with the grant applicant shows that they're
23 meeting those requirements, those standards, then the
24 higher they score on their applications. So that's
25 exactly why we want -- aside from the benefit of having

1 a coordinated education program, but it helps us in
2 education grants if we have something to refer back to
3 as a standard. So from that point on, we would just
4 adjust our regulations to reflect that to the degree
5 that an applicant is achieving or addressing the topics
6 or following the recommendations of a statewide
7 education program, then they would receive extra
8 consideration on their applications. So we've been
9 planning to marry those two processes. Step one is to
10 develop a statewide program; step two, rewrite our
11 regulations when we do our annual adjustments so that
12 we can give applicants extra consideration.

13 CHAIR LUEDER: Commissioners, any other
14 comments?

15 COMMISSIONER KERR: So on the acquisition
16 category, I guess the last time we discussed this there
17 was an actual amount, a targeted amount under that? Or
18 maybe I misunderstood.

19 OHV STAFF LONG: There is a possibility for
20 acquisition to get up to 10 percent of the funding
21 available in operations and maintenance. They can get
22 up to 10 percent of that \$13 million. And currently we
23 only have four projects requesting almost \$450,000.

24 COMMISSIONER KERR: So there is no rollover on
25 the acquisition?

1 OHV STAFF LONG: No. Any money that wasn't used
2 on acquisition would then become available to fund
3 other projects.

4 COMMISSIONER KERR: Can you review very briefly
5 the eligible applicants? I know the acquisition
6 categories have some restrictions on it.

7 OHV STAFF LONG: Correct. By statute, the
8 Forest Service, Bureau of Land Management, cities, and
9 counties are able to apply for acquisition.
10 Nonprofits, districts, and the federally-recognized
11 tribes and educational institutions are not able to
12 apply for that.

13 COMMISSIONER WILLARD: I just had a thought,
14 obviously haven't done any research on it, maybe it's a
15 boneheaded idea, but I'll throw it out there. There
16 are 234 applicants, and Division is under a real
17 economic pressure with the potential to lose a lot of
18 funds for operations. Just a thought, but what if we
19 charged an application fee, a modest application fee of
20 say \$200 per project? That would generate almost
21 \$50,000, which could go toward resources within the
22 Division. Is that something that you thought of? I'm
23 not in favor of more fees, but we're going to have a
24 real problem with resources when we start losing this
25 money.

1 CHIEF JENKINS: That's a new thought. We'd have
2 to give that some consideration. Just off the top of
3 my head, I don't know how that would affect -- for
4 instance, I don't know if the federal agencies are
5 allowed to put in application fees or not. We would
6 have to look at that. The way we do address it to some
7 degree, as far as having them bear some burden, is that
8 25 percent match requirement that's in the grants if
9 they get awarded. But what you're suggesting would be
10 an application fee whether or not you get the award.
11 Certainly something we can look at the pros and cons,
12 maybe come back with a recommendation. As we go
13 through our regulation process might be the time.
14 That's when we're going to be going through our review
15 of our regulations, so we can certainly consider that
16 as part of the process.

17 COMMISSIONER WILLARD: And that may weed out
18 some of the applicants that are really throwing in
19 applications with a hope and a prayer, so it might
20 again reduce the unnecessary workload, as well.

21 CHIEF JENKINS: We would also have to consider
22 what it might do to some of the nonprofit organizations
23 because we don't want to disadvantage them or
24 discourage them from the application, so we will have
25 to look at the whole.

1 CHAIR LUEDER: Thank you, Kelly and the grant
2 staff. I know you guys are working very, very hard at
3 this point as always, and we certainly appreciate that.
4 So thank you very much for your report.

5 DEPUTY DIR. GREENE: Moving on to number three
6 legislative updates.

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8 **AGENDA ITEM IV(B)(3) - Legislation Update**

9 CHIEF JENKINS: Thank you. I'll go through this
10 fairly briefly because I know we have a lot of ground
11 to cover today. It should be under tab five in your
12 binders. There's two pages at the front that summarize
13 the various pieces of legislation that we're tracking.
14 Some of the pieces of legislation that we're tracking
15 relate to State Parks as a whole, but not necessarily
16 at this point directly to the Division. We're tracking
17 them just in case they do impact us.

18 But, for instance, AB 42 by Huffman, AB 64 by
19 Jeffries, SB 356 by Blakeslee, and a couple of others
20 are dealing with how State Parks reacts to the
21 announcement recently that they're going to have to
22 close certain state parks. So various pieces of
23 legislation about what can be done with that, how
24 property associations need to be engaged, partners,
25 different ways we can address those. Currently none of

1 the SVRAs are included in that drill because that is
2 based on the redirection of General Funds to State
3 Parks, which the OHV program doesn't touch any General
4 Fund. So we aren't currently directly involved in
5 that. As I said, though, we are monitoring that just
6 to ensure that if anything were to come up that would
7 affect us we would certainly let you all know.

8 AB 628 by Conway is an interesting one that
9 we're tracking. That one is a proposal to allow Inyo
10 County to designate certain roads for combined use that
11 would exceed what's currently allowed in the law. Very
12 briefly, in order to allow an off-highway vehicle to
13 operate on a highway, there is current law in the
14 Vehicle Code that says that it has to be no longer than
15 three miles in length, it has to be designated by CHP,
16 there are a number of restrictions around it. In Inyo
17 County, as a result of some of the recent changes due
18 to route management, et cetera, there's a concern that
19 a lot of their trails it's hard to connect between
20 sections of trails without going over combined-use
21 sections of highway that would be longer than two
22 miles. So they're trying to address that concern and
23 use this as a kind of case study, just do it in this
24 one county. And this bill would propose that CHP would
25 be able to grant combined-use designations on sections

1 of road that were longer than three miles. That would
2 allow OHV recreationists to make more connections from
3 trail to trail. It would allow them to get to services
4 and lodgings so that the visitations to the county
5 could come in, you could stay in the local hotel, get
6 on your off-highway motorcycle, ATV, RTV, travel
7 someplace to get your fuel, get some food and then make
8 it onto the trail system without having to continue to
9 trailer up, go to a new station, disembark, et cetera.
10 Right now that one is set for a hearing today, so we'll
11 see where that one goes.

12 The only other two that we're watching that
13 directly impact OHV recreation right now is S 138, the
14 Feinstein bill, also known as the California Desert
15 Protection Act of 2011. It's very similar to the bill
16 that was proposed last year. The main difference in
17 this bill is that they've taken out the sections that
18 refer to the Committee on Energy and Natural Resources
19 and the permitting for that sort of energy production.
20 Otherwise, the bill remains essentially the same as it
21 was. It still has the five areas for OHV recreation
22 designation lined out in it, so no change there. It's
23 been read twice and is currently referred to the
24 Committee on Energy and Natural Resources.

25 And then another bill that has garnered a lot of

1 attention is HR 5081 by McCarthy. It's the Wilderness
2 and Roadless Area Relief Act of 2011. That bill would
3 release all of the wilderness study areas that have
4 been determined to be not meeting the criteria for
5 wilderness. Right now up in areas that have been
6 proposed as wilderness, done a study and has determined
7 that it doesn't meet the requirements. It's difficult
8 or unclear on how they can release that to general use.
9 This would deal with that issue.

10 That's a very fast, if you will, overview of the
11 various pieces of legislation. Any questions, I'd be
12 happy to answer.

13 CHAIR LUEDER: Chief, I do have a question. On
14 AB 628, there are restrictions on that proposed use,
15 correct, as far as you have to meet certain standards
16 to operate your OHV vehicle?

17 CHIEF JENKINS: Correct, all of the current
18 restrictions in the Vehicle Code would remain in place.
19 In other words, you would still have to be a licensed
20 driver. You would still have to have insurance on your
21 vehicle. You would still have to have an operating
22 taillight, et cetera. There's a number of things
23 spelled out in the Vehicle Code. This doesn't release
24 any of those restrictions on the vehicle or the
25 operator. All it addresses is the length of the

1 section of road, of highway that can be designated for
2 combined use. So it just removes, if you will, in this
3 county for a two-year study period the two-mile
4 restriction. And then after two years, they would have
5 to review, CHP would have to determine if it was
6 appropriate to continue, and there would have to be
7 further legislation if it were to be sustained
8 long-term.

9 COMMISSIONER KERR: Can I ask a question about
10 628? So at Clear Creek we have that county road. So
11 is it legal for off-road vehicles to use that community
12 road, even if it may be more than three miles in
13 length?

14 CHIEF JENKINS: The issue on using county roads
15 or any highways comes down to how the jurisdiction
16 that's responsible for that road designates it. So
17 when you're on a road such as the county road out at
18 Clear Creek, that can be considered a roughly-graded
19 road. The county or whatever jurisdiction is
20 responsible throughout the state can determine to treat
21 that roadway as a non-highway as described in 38001 of
22 the Vehicle Code when it meets that criteria for a
23 roughly-graded road. And this is an area that often is
24 confusing to jurisdictions. People often believe that
25 if you use Department of Transportation highway funds

1 on a road, that it's automatically a highway and can't
2 be treated as a non-highway roughly-graded road.
3 That's not accurate. We've looked at it in great
4 detail.

5 COMMISSIONER KERR: Just to that point, if we
6 were to, for example, have some kind of proposed plan
7 for Clear Creek which included say slurry sealing the
8 lower portion of that road where it creates a lot of
9 dust, would that then take that road into the highway
10 category where it would fall under this restriction or
11 could it still be considered a roughly-graded road?

12 CHIEF JENKINS: It wouldn't necessarily make it
13 a highway. The only place where you really get a
14 bright line is when you have a nice cleanly-paved road.
15 A clearly paved road couldn't be considered roughly
16 graded. We have sat down with CHP and had a lot of
17 discussions about what is roughly graded and how do you
18 define it, and there is no definition in the Vehicle
19 Code. So it's left generally up to the jurisdiction
20 who is managing the road. Say so as long as we could
21 in all honesty look at it and say that's a
22 roughly-graded road, you would still qualify for that
23 exception in 38001.

24 CHAIR LUEDER: Any other questions on
25 legislative?

1 COMMISSIONER SLAVIK: A question about previous
2 discussion, I believe it was at the last meeting when
3 we talked about the budget and the fact that the State
4 Parks are ultimately going to face some of these
5 closures, and we were talking about the possible
6 inclusion of those State Parks into our system if
7 appropriate. Has there been any discussion internally
8 on your side, Chief Jenkins?

9 CHIEF JENKINS: We haven't quite gotten to that.
10 The list just recently came out, and preparing for this
11 trip and our own budget drills that we've been going
12 through, we have not had the opportunity to look
13 closely. I know at the meeting that was held at the
14 Commission there was discussion at that meeting for
15 instance of Henry Coe, and Henry Coe is in fact on the
16 list that came out. We have not had any opportunity to
17 date to sit down and look seriously at any of the
18 proposals there.

19 COMMISSIONER SLAVIK: I want to make sure that's
20 still on the table. It's certainly thinking out of the
21 box from our perspective, but I think we need to push a
22 little harder.

23 CHIEF JENKINS: We will continue to keep that in
24 consideration.

25 CHAIR LUEDER: I do have a couple of motions to

1 make, but I realize that we need to take public comment
2 on this item, but just to make people aware I'd like to
3 make a motion to send a letter of support for AB 42 by
4 Assemblyman Huffman, and that's the bill that would
5 authorize State Parks to enter into operating
6 agreements with nonprofits. At this point, of course,
7 none of our SVRAs are on the closure list. But in the
8 future, we don't have a crystal ball, so I'd like to do
9 what we can to encourage that bill to come to fruition.

10 Then AB 628, I believe that bill has real value
11 to the County of Inyo and also it's a pilot program.
12 It could be tested and shown whether or not that type
13 of arrangement would be feasible. So I know that in
14 other parts of the country, they have similar
15 situations where local businesses would benefit by
16 having OHV corridors basically so that OHV enthusiasts
17 could plan a good trip and not have to trailer or take
18 their bikes and ATVs to each trailhead. So I think we
19 need to hear public comment before we take a vote on
20 that.

21 CHIEF JENKINS: One point of clarification I
22 forgot to mention on that when you're asking for what
23 remains in place. What doesn't change there is that
24 CHP would still be required to look at any proposed
25 linkages. So if 628 were to pass and you could have

1 sections of roadway greater than three miles, it still
2 would require that CHP would come in, survey the
3 section of road and make a determination that OHV
4 vehicles could be allowed to travel across that roadway
5 safely. So this does not change any of that. CHP
6 still has the final word of that based on their
7 analysis of whether or not it can be safely allowed
8 section by section. So it's not a blanket approval for
9 the county to set up these linkages.

10 CHAIR LUEDER: So those would be my motions, to
11 send support letters for both AB 42 and AB 628. I
12 think it's appropriate if we call for a second.

13 COMMISSIONER KERR: I'll second that.

14 CHAIR LUEDER: We'll hold that vote and
15 discussion for public comment first.

16 COMMISSIONER VAN VELSOR: I would like to point
17 out that those are not on the business agenda so we
18 can't make a motion and pass that today.

19 COMMISSIONER KERR: The chairman can't send a
20 letter reflecting -- this is an agenda item that we
21 have for discussion, and we're not actually spending
22 public funds. Can't the chairman send a letter if the
23 Commission so agrees?

24 COMMISSIONER VAN VELSOR: My understanding is,
25 and we have made the decision as a commission, that we

1 will only act on items that have been identified on the
2 agenda as business items so that the public knows that
3 the Commission may take action and can be available at
4 the meeting to provide public input.

5 ATTORNEY LA FRANCHI: At several prior
6 Commission meetings this has come up. And the
7 consideration has been given into converting the agenda
8 into a format where the Commission can take action on
9 all items including strictly informational items. The
10 decision has been made to not follow up on that. That
11 concept, footnote number one, if you look at the
12 agenda, the second sentence reflects the current
13 Commission's policy, which is to only take action on
14 those matters listed under business items, as
15 Commissioner Van Velsor has indicated. So the
16 opportunity to follow up on the motion would need to go
17 on the next meeting agenda and/or special meeting would
18 need to be called in order to take that up because at
19 this point the public has not been notified that the
20 Commission intends to take action on any of the
21 informational items.

22 CHAIR LUEDER: All right.

23 COMMISSIONER KERR: I'd like to recommend that
24 future agenda items include something -- I mean
25 obviously for consideration by this body, that we have

1 some more general purpose agenda items. I mean every
2 other body I've ever been on, there is something on the
3 agenda where you can take up matters or you can also
4 declare an emergency by two-thirds vote of the
5 Commission act on an item that's not publicly noticed.

6 I mean are these hearings going to be over with
7 by the time we have the next meeting?

8 CHAIR LUEDER: Yes.

9 COMMISSIONER KERR: Doesn't that constitute an
10 urgency that would justify addressing the matter?

11 ATTORNEY LA FRANCHI: The open meeting laws are
12 fairly specific about the kinds of things that
13 constitutes an emergency. And, again, I have to quote
14 to go into it. It would take up maybe more time than
15 you really want to take up. But emergency, I think,
16 real estate transactions which the Commission, of
17 course, is involved with; sometimes personnel
18 transactions can become emergency; or some commissions
19 like the State Transportation Commission may need to
20 take up funding for a highway that needs funding from a
21 slide or something to get a highway open. So those are
22 the kinds of emergencies that I'm familiar with. I
23 don't believe this would rise to that kind of an
24 emergency.

25 CHAIR LUEDER: I would withdraw my motion then

1 on these two items. I will be, as an individual,
2 sending support letters to the sponsors of both of
3 these bills, and I would encourage those who share my
4 view to do so, as well.

5 Let's take a ten-minute break.

6 (Returned at 10:20 from break commencing at 10:02.)

7 CHAIR LUEDER: The next item on the agenda for
8 the reports is Item C, Bureau of Land Management.

9 //////////////////////////////////////

10 **AGENDA ITEM IV(C) - BLM Report**

11 BLM JIM KEELER: Thank you very much. Jim
12 Keeler, Bureau of Land Management, California State
13 Office. In the interest of time, I'm also going to
14 abbreviate radically the report that I gave you in the
15 written form. There are also public copies out on the
16 table, so I'll just jump through it really fast.

17 In addition, a couple of the items that I
18 normally would have reported on are agenda items this
19 afternoon, and Roxie Trost will be coming down from
20 Barstow to help me cover the agenda item on Johnson
21 Valley and our permitting process. So I won't try to
22 start to do those this morning.

23 The Imperial Sand Dunes Recreation Management
24 Plan has been moving kind of slowly, and we now have a
25 new potential release date of about January 21st on the

1 RAMP for the sand dunes.

2 There are quite a few more items that I might
3 have covered in El Centro. They've had a very
4 successful season. They've had a good reduction over
5 time in the number of medical responses that they've
6 had to do, so they're seeing a declining trend in the
7 accidents that they feel like some of their efforts
8 have really paid off in education and visitor safety.
9 One of their park rangers is a certified paramedic, so
10 he's helping put together a much better emergency
11 response team and training staff better, so that's also
12 a new wrinkle in that program. Quite a bit of
13 information on Needles and Ridgecrest. California
14 Desert District Office, and we will talk a lot more
15 then with Roxie about the permit fee program this
16 afternoon.

17 Last thing I was going to mention today is the
18 WEMO, the West Mojave Plan update. The West Mojave
19 Desert area that was in the planning effort is
20 9.3 million acres in Inyo, Kern, Los Angeles, and
21 San Bernardino counties. Of that, 3.3 million are BLM
22 land; 3 million is private; and 102,000 is State of
23 California; and the rest of it is all military land.
24 So we're only responsible for doing the planning on the
25 3.3 million that we manage.

1 The plan that they're currently operating under
2 was litigated, and the route designation process that
3 we used was a topic that we ended up negotiating and
4 getting told that we had to redo. In that effort,
5 there are two stages to do that. Essentially, the
6 judge allowed the network that we originally
7 established to be an interim route network with
8 additional management, and then we have until 2014 to
9 redo a planning effort to reanalyze all of the routes
10 that will be designated in the route designation
11 effort, about 5,000 miles. Short-term efforts, we have
12 until July 1st to get all 5,000 miles of that interim
13 network signed and new maps put out.

14 The two field offices that are responsible for
15 most of the land out there are Ridgecrest and Barstow.
16 They've each taken on the effort of signing, mapping
17 their own trail network again so that we will have that
18 completely done by July 1st, we believe. So that's
19 moving along.

20 So we're now beginning then on the long-term
21 effort to redo the entire route designation analysis on
22 the existing route network which you'll start hearing
23 more about public scoping and other processes to
24 complete that action. With that, I'll take questions.

25 CHAIR LUEDER: Thank you, Jim. Commissioners,

1 any questions at this time of BLM?

2 Next up, Forest Service.

3 //////////////////////////////////////

4 **AGENDA ITEM IV(C) - USFS Report**

5 USFS KEATON NORQUIST: Keaton Norquist. So I'm
6 going to be presenting the Forest Service report, and
7 I'll try to move swiftly through this.

8 Field units are continuing to implement
9 Subpart B of the travel management rule, which was
10 route designation. It's been a pretty snowy winter up
11 in the mountains. They're currently installing lots of
12 signs and kiosks as the snow melts and especially in
13 the lower elevations they're focused on completing
14 mitigations on new trails and performing needed
15 maintenance activities on existing trails.

16 Part of the route designation process was motor
17 vehicle use maps, which are the legal enforcement
18 documents that tell the public where it's legal to
19 ride. And the Regional Forester has directed all of
20 our field units to finalize the MVUM, motor vehicle use
21 maps, by the end of June. There are currently a couple
22 of forests that remain to do that, it's the Six Rivers,
23 the Klamath, the Plumas, the Tahoe and the Sierra. So
24 those are our remaining forests, and those motor
25 vehicle use maps should be done by the end of June and

1 available to the public.

2 As a complement to our motor vehicle use maps,
3 we have motor vehicle opportunities guide maps, which
4 at the last Commission meeting I believe it was
5 requested that we bring a copy for all of the
6 Commissioners and the Division. So I went around and
7 collected all of them that we had, and this is actually
8 the only copy, literally hot off the press, for the
9 Western Divide Ranger District on the Sequoia. If
10 anyone wants to see this, I can show it to you. These
11 maps have been very popular, and this is actually one
12 of the projects we submitted for grants, as well. Feel
13 free to look those over, and I think that you'll see
14 that they're a great resource.

15 We recently completed maps for the Los Padres,
16 Mendocino and Eldorado, and we're working on new ones
17 for the Shasta-Trinity, Klamath, Kern River, and a
18 mini-map for Elkins Flat. So this is one of the major,
19 probably one of the biggest expenses we do with the
20 grant funding that we've gotten in the past, so thank
21 you.

22 In terms of litigation of our travel management
23 decisions, right now there have been three lawsuits.
24 First one is on the Eldorado National Forest. Back in
25 April the Judge Karlton had a hearing going over issues

1 relating to Subpart B of the travel management rule and
2 also Subpart A. We've kind of gone over this a little
3 bit before. But one of the plaintiffs challenged that
4 we should have done Subpart A before Subpart B. So
5 that hearing was heard in April. And actually since
6 then the judge has invited the parties to do
7 supplemental briefing on the Endangered Species Act
8 used in that case. Right now there hasn't been a
9 ruling, and we're expecting that to be forthcoming.

10 The second litigation item is the Stanislaus
11 National Forest travel management decision. There is a
12 hearing upcoming on June 8th. I don't believe it's
13 Judge Karlton who will be hearing that, and it's
14 Sacramento Federal Courthouse.

15 The final one is the Klamath National Forest
16 travel management decision, and that hearing is
17 pending, so we don't know when that will be.

18 Also, on the agenda is Subpart C, which is the
19 third and final part of the travel management rule, and
20 that deals with designation of snowmobile routes for
21 over-snow vehicle routes. The agency received a
22 petition for rulemaking to make Subpart C mandatory, to
23 make all field units designate what routes are
24 appropriate. During the travel management rule, we've
25 always interpreted that as being optional for field

1 units. So the petition was by the Winter Wildlands
2 Alliance. It was based on the executive order that was
3 the basis for the travel management rule, actually it
4 was under Nixon, I believe, Executive Order 11644. And
5 so the agency's official response, we disagreed with
6 the petitioner's interpretation of the executive order
7 and their right to enforce it. So we declined to
8 change the rule and to make Subpart C mandatory for all
9 field units. We also declined to issue a national
10 timeline for completing Subpart C. We said it was more
11 appropriate for the responsible officials in the field
12 to determine the timelines for implementing Subpart C.
13 And given the variation of the topography, weather
14 conditions, and use patterns and trends, we also said
15 that it was not appropriate to develop specific
16 national requirement like minimum snow depth or the
17 need for seasonal closures just because of the
18 variation.

19 The agency did agree to develop guidelines, such
20 as directives in our handbooks, on factors to be
21 considered when our responsible official does decide to
22 implement Subpart C. And we've also stated that we're
23 committed to funding implementation of Subpart C as
24 appropriate. So if anyone is more interested in our
25 official response or in seeing the petition that we

1 received, I could provide more information on that, and
2 that goes for the members of the public, as well.

3 And then something that's not on the agenda, but
4 I thought you might want an update on is our scientific
5 studies that are funded by the Commission. We actually
6 just finalized two studies, the Northern Spotted Owl
7 Study and the Northern Goshawk Study. On Monday our
8 regional wildlife biologist sent the reports to the
9 Division. And if it's okay, I was just going to
10 present some preliminary findings if you'd like. This
11 is by the wildlife biologist because I'm by no means an
12 expert in that area. Actually, the reports will be
13 available very soon. They're with the Division right
14 now. We were going to put them on our website, but the
15 problem is the version we received from the scientists
16 don't comply with accessibility laws, so we can't post
17 them on the website yet, but we're working to do that
18 very soon.

19 So the first study was the northern spotted owl,
20 OHV-focused study. The northern spotted owl is a
21 threatened species under the Federal Endangered Species
22 Act. Between May and July from 2005 to 2008, they
23 conducted fieldwork to see how northern spotted owls
24 reacted to one hour of intense motorcycle use, and this
25 is more of an enduro-style situation rather than

1 baseline use, so pretty intense use. The principal
2 investigators were Dr. Sam Wasser and Dr. Lisa Hayward
3 of the University of Washington, along with Dr. Ann
4 Bowles of Hubbs-Seaworld Research Institute. And in
5 these controlled experiments they divided northern
6 spotted owl sites into two sides. And one was exposed
7 to one hour of intense motorcycle traffic, and that was
8 in collaboration with Don Amador with Blue Ribbon
9 Coalition, and they used others, as well. And so they
10 exposed half of the samples to the intense use, and the
11 other half didn't receive any at all. And this was
12 during the egg incubation period in May and also the
13 young fledgling period in July. So the exposed and
14 nonexposed groups, they measured stress hormones,
15 nutritional hormones and the number of offspring
16 fledged. The general findings was that the northern
17 spotted owl stress hormones did increase in response to
18 acute traffic exposure. Males were the most sensitive
19 to motor vehicle disturbance in May, and that's when
20 they're solely responsible for feeding the family, and
21 they're especially responsive within a half-mile
22 radius. The female response varied depending on the
23 nutritional status and the number of young. Also,
24 another finding was that for individual northern
25 spotted owls, the tendency for traffic exposure to

1 increased stress hormones for the long-term was offset
2 by nutritional gains. So the northern spotted owls
3 that are closer to roads appear to have better
4 nutritional levels, which kind of makes sense. And the
5 stress hormone levels were unrelated to proximity of
6 roads, so regardless of the road size or the amount of
7 noise. But they did find that the owls closest to the
8 loudest roads fledged significantly fewer young than
9 those on the quiet roads.

10 So that was the basic results of the first
11 study. And real quickly, we are forming an internal
12 working group to come up with management
13 recommendations, and we will be collaborating with the
14 Division and the Commission and the public to have
15 public input because we definitely want to work on
16 that.

17 The second study was the northern goshawk, and
18 this was fieldwork done between 2004 and 2007 on the
19 Plumas National Forest by Jeffrey Dunk of Humboldt
20 State University, and Dr. John Keane of our own Pacific
21 Southwest Research Station of the Forest Service, and
22 again Dr. Ann Bowles of the Hubbs-Seaworld Research
23 Institute. This had a little broader scope. It looked
24 not just at motorcycle use but also ATV use and hiking
25 effects on nesting goshawks and their young.

1 So they evaluated sustained one-hour ATV
2 activity near nests and fledglings. They evaluated
3 direct approach by ATV and hikers right toward the
4 nest, and they evaluated sustained activity below the
5 nest by both hikers and dogs. So they compared the
6 following behaviors, behaviors spent on the nest,
7 arrivals and departures both with and without prey; the
8 number of eggs, and reproductive success; the habitat
9 suitability of territory and the density of roads; and
10 also how the fledglings moved and used the habitat.

11 And generally the findings were that female
12 goshawks on the sustained one-hour ATV, more enduro
13 style experimental treatment, they spent more time off
14 nest during that treatment hour than they did during
15 pre-treatment time, so that kind of matched up.

16 The female goshawks that were directly
17 approached by hikers, and especially two hikers, spent
18 more time off nest than they otherwise did, and
19 fledglings used the area of slightly lowered habitat
20 suitability during the one-hour sustained ATV use than
21 before or after the treatment. So those were kind of
22 the main findings for those.

23 And again we are developing an internal working
24 group to come up with management recommendations. And
25 we're also hosting a webinar for the public. I don't

1 know the details of this. A lot of people might be
2 curious about a lot of different things in these
3 experiments so we're going to be having a webinar with
4 the researchers who actually conducted the studies. If
5 anyone is interested in their methodologies or
6 conclusions, they can ask the experts. And so we will
7 have some more information about that forthcoming.
8 We're trying to kind of coordinate the schedules of
9 everyone right now. It will also be available to our
10 own land management professionals who have questions.

11 And the final item, which is not on your agenda
12 is some personnel announcements in the regions. Our
13 new deputy director of public services started this
14 week, Maria Lisowski comes to us from Alaska where she
15 was in the lands and realty program as both the program
16 manager and as an attorney for our office of general
17 counsel. Last week, the Regional Forester announced a
18 new selection for our director to succeed
19 Marlene Finley, Ramiro Villalvazo, the current Forest
20 Supervisor on the Eldorado National Forest will be
21 starting as our new director in June or July. So with
22 that, hopefully I was quick enough for you.

23 CHAIR LUEDER: Thank you, Keaton, for that
24 report. Commissioners, any questions?

25 COMMISSIONER SLAVIK: Keaton, I didn't hear

1 anything about cost recovery, which has obviously been
2 a hot topic. Has there been any movement in that at
3 the regional level?

4 USFS KEATON NORQUIST: Yes. Actually, one of
5 the items on the agenda that I kind of brushed over was
6 our grant submission. One of the grants we submitted
7 was the motorized recreation event destination site
8 planning grant. So we had a meeting with the Division,
9 with Don Amador of the Blue Ribbon Coalition, and other
10 motorcycle clubs to kind of come up with how can we
11 best address cost recovery. And one of the ideas we
12 came up with was to sit down ahead of time and maybe
13 identify some destination sites where these events are
14 likely to occur and go in ahead of time and create a
15 plan for these events. This is something we do with a
16 lot of special uses, for instance, with communication
17 sites we will pre-identify, okay, this is a place where
18 a lot of communications sites are going to go, so let's
19 look and see as best as we can what are the resources
20 impacts of doing certain uses here.

21 And then when an individual applicant comes and
22 says, I want to do something there, it's much less
23 expensive to them, a lot of the analysis has already
24 been done. This is kind of looking at the more intense
25 enduro style uses rather than the baseline everyday use

1 that was analyzed during our route designation
2 analysis. So we're really hopeful that this grant is
3 funded, and the grant isn't to come up with specific
4 decisions yet. It's more to come up with ways that we
5 can identify sites, work with the public to identify
6 sites, and figure out exactly what's going to be
7 involved. A lot of times you have to do a forest plan
8 amendment to identify something like that. We don't
9 even know where to look yet. Once we do know where to
10 look, we want to be able to say this is what's going to
11 be required.

12 COMMISSIONER SLAVIK: You mentioned grants. So
13 specifically what is the grant for?

14 USFS KEATON NORQUIST: I can look at wording
15 that we used, but it's to work with the public to
16 identify the most desired destination sites.

17 COMMISSIONER SLAVIK: So is that site specific?

18 USFS KEATON NORQUIST: The grant we're applying
19 for is not going to yield a decision, it's not going to
20 yield a designation yet.

21 COMMISSIONER SLAVIK: It's a general overall --

22 USFS KEATON NORQUIST: It's a planning grant.

23 CHAIR LUEDER: Any other Commissioners have
24 questions?

25 COMMISSIONER PEREZ: You mentioned various maps

1 were being created and updated. I'm interested in
2 finding out do you have a general sense of what the
3 cost is, and how does the public get this information,
4 and is it available on the website?

5 USFS KEATON NORQUIST: So I believe that most of
6 the maps are free at this point. On the specific, you
7 have to kind of check to see with your local riding
8 area to see what is available. I'm sorry, what was
9 the...

10 COMMISSIONER PEREZ: I was interested in finding
11 out how does the public find this, where would they be
12 able to locate it?

13 USFS KEATON NORQUIST: Probably with the
14 district office.

15 COMMISSIONER PEREZ: Do you have a general sense
16 of what it costs to produce one?

17 USFS KEATON NORQUIST: I know it varies pretty
18 widely depending on our own data and also printing
19 costs. Some of these encompass multiple ranger
20 districts, some of them are a portion of the ranger
21 district, and so I know it varies pretty widely. But
22 our biggest expense is the printing cost and also the
23 GIS cartography, layout, and design. I could look more
24 into that if you would like for specific ones to see
25 what the costs are. I don't know off the top of my

1 head.

2 COMMISSIONER PEREZ: Is this information
3 available on a particular website?

4 USFS KEATON NORQUIST: In terms of the GIS
5 layers, I'm not sure about that. I can find out.

6 DEPUTY DIR. GREENE: Chairman Lueder, if I may,
7 just a quick note to Commissioner Slavik's comment, and
8 perhaps Kelly Long might be able to address this. I do
9 believe within any grants that we get, we always ask
10 for the public comment. I believe, correct me if I'm
11 wrong, that not all of the public was supportive of
12 this particular grant feeling that it wasn't
13 appropriate for the Forest Service to be looking at
14 spending OHV dollars for cost recovery items; is that
15 correct? That's what I thought.

16 USFS KEATON NORQUIST: We didn't receive a lot
17 of comments on any of our grants. I think there was
18 one or two comments on this one.

19 COMMISSIONER KERR: It sounds like a multi-year
20 long process and is not going to address the issue very
21 quickly, so I would encourage the grant. I don't know
22 if he's still here, but I'd be in favor of OHV funds
23 being used to facilitate reductions in cost recovery to
24 some of the people we've heard from in the last few
25 meetings. But if the Forest Service is just going to

1 use this to pay their overhead and spend the next three
2 years studying the issue, I don't know if we would be
3 kind of supportive of.

4 DEPUTY DIR. GREENE: And if I remember
5 correctly, I think the issue at hand is the
6 appropriateness of spending OHV Trust Fund dollars on
7 specific events that would benefit only a limited
8 number of the OHV community who are interested in those
9 special events and perhaps not the general public.

10 USFS KEATON NORQUIST: But, again, it's going to
11 be more of a comprehensive public approach, and we're
12 not going to be focusing on a specific proponent of any
13 event. It's going to be looking at designating an area
14 available to any proponent who could come in and work
15 an enduro on those routes. That might alleviate some
16 of the concern about benefitting one or two smaller
17 groups.

18 CHAIR LUEDER: Thank you, Keaton. The one thing
19 I would ask is on the studies for the northern spotted
20 owl and goshawk, when those webinars are scheduled, if
21 you could inform Division so that we can get that word
22 because I definitely would like to see that when
23 they're available on the website, your website as well.

24 USFS KEATON NORQUIST: Okay.

25 CHAIR LUEDER: Thank you very much.

1 The next thing we need to do is address public
2 comments on these reports.

3 TOM TAMMONE: Good evening, Tom Tammone. A few
4 things jumped out at me listening to all of this.
5 First of all, as far as the funding and when they get
6 it, when they don't, the SVRAs, don't close them,
7 they're not part of the General Fund, they get it.
8 When it comes to our travel expenses, reimbursement for
9 educational people traveling, they don't get it. It's
10 our money. Commission and the Division should be able
11 to utilize our funds. We've been through this with you
12 guys on the land deal issues, and it's our money. Keep
13 your hands off of it. I don't know what it's going to
14 take for them to get it. I guess I'll just have to
15 keep telling it until I die of suffocation. I don't
16 know.

17 Also, as far as agenda items, I like it because
18 it seems like we're starting to get in as far as when
19 we can handle things without having to put it off to
20 the next meeting, again, such as real estate
21 transactions, land purchases. Now counsel has told us
22 we couldn't cover a lot of those items that were pushed
23 aside never to be seen again, we wanted the
24 Commissioner McMillin who is no longer with us. So we
25 need to do better at that. We need to utilize our

1 funds.

2 And reviewing a lot of the transcript from the
3 last meeting toward the end, there was a lot of
4 discussion about not wanting to ruffle any feathers
5 since most you guys are appointed; well, I'm not. I
6 don't care if I ruffle feathers. I will say it: Keep
7 your hands off our funds. I'll figure out some way for
8 you guys to have some skin in the game, recall
9 elections, I don't know. If I can't get the orders to
10 do it, I'll start another one. It's our money, hands
11 off. Thank you.

12 KAREN SANDERS: Good morning, Commissioners and
13 staff. I'm Karen Sanders, I'm the project coordinator
14 for Friends of Jawbone and Friends of El Mirage. I
15 just wanted to sort of give an addendum to the report
16 given by Jim Keeler for the Bureau of Land Management.

17 One of the exciting things that's happening at
18 Friends of Jawbone at Jawbone Station on Highway 14 in
19 Cantil is our visitor center expansion. We're well
20 underway with getting our 6,000-square-foot shop built.
21 The wood has been applied to the siding, and it will be
22 stuccoed soon, and we'll finish out the inside of the
23 building. It will be an opportunity for the Bureau of
24 Land Management and the Friends of Jawbone to have a
25 place to store and work on our equipment. We do have a

1 very good relationship with the Bureau of Land
2 Management in the Jawbone Canyon/Dove Springs area.
3 We've done quite a bit of work out there over the last
4 three years. Right now we're currently working on a
5 continued cooperation with law enforcement. I hosted a
6 law enforcement summit on February 1st. We were going
7 to have the law enforcement event for Presidents' Day
8 weekend, but the weather turned kind of sour, and
9 rather than actually having the event, law enforcement
10 just came out in force for that weekend and had a good
11 weekend as far as educating the public and in a few
12 cases writing citations for various violations.

13 We currently operate under seven different
14 grants. We've got many different partnerships with
15 various agencies, and it continues to be a very good
16 relationship, and also we continue to work on the trail
17 maintenance and opportunities for the OHV community in
18 Jawbone Canyon and Dove Springs.

19 And then regarding El Mirage, we had two grants,
20 and our main effort within those two grants is visitor
21 services. Specifically we have a park attendant for
22 the El Mirage area, and in the last year, she has
23 contacted 6,084 visitors. Some of them are repeats,
24 but that's quite a number of visitors that she's
25 contacted. She works Wednesday to Sunday, which is the

1 main time when folks come out to recreate. During that
2 time, she witnessed 150 riding violations; she
3 completed 123 visitor surveys in cooperation with BLM;
4 she recruited 463 young folks for junior ranger
5 program; and 53 participants for the BLM ambassador
6 program. So the main focus at El Mirage is the visitor
7 services. We manage the visitor center there 365 days
8 a year, minus Christmas Day, to greet people, collect
9 their fees, and give them as much opportunity as
10 possible to learn about El Mirage and the recreation
11 available there. Thank you.

12 ED WALDHEIM: Ed Waldheim, California Trail
13 Users Coalition. The report that Karen gave you is all
14 in written format so you can look at the specific
15 details in there.

16 On the Commission report, the Education
17 Subcommittee, I fail to understand why you just don't
18 make a public announcement of the education program.
19 You have the three voters. There is no reason you
20 can't have three Commissioners there. Just publicly
21 announce it, and the public could participate in that
22 thing. The last thing I want to see is closed-door
23 sessions taking place and we're left out. So when you
24 have your subcommittee publicly announce wherever
25 you're going to do it, you can have all of the

1 Commissioners you want in there. You can have three or
2 four. Make a public announcement of that.

3 As far as the BLM report is concerned, we have
4 come across an issue with we have a supplemental rule
5 with the Bureau of Land Management that pallets or wood
6 with nails is not allowed on the public lands. And one
7 of the private property owners who runs the land in
8 Jawbone for the renewable resources folks, they have
9 about 20,000 acres in Jawbone/Dove Springs area. At
10 our last meeting, we had pallets coming back in. I
11 just about blew up. I said why are they coming in.
12 Then I come to find out that the Kern County sheriffs,
13 even though they have an agreement with the Bureau of
14 Land Management, do not have the authority to cite a
15 Bureau of Land Management supplemental rule; therefore,
16 I don't know what we are going to do. Phil Jenkins and
17 I talked yesterday about let's try to go after illegal
18 dumping or illegal nails or trash or illegal burning or
19 something like that. But I think there's something I
20 would like to have the state help that this is a
21 statewide issue. And Jeff was telling me that when we
22 banned the pallets in Oceano Dunes, they had to get a
23 tractor trailer to go out, pull off the pallets to pull
24 them offsite because there were so many of them. I
25 don't need to tell you there are 88 nails in each

1 pallet and what that can do to the tires, and horses,
2 wildlife. It makes absolutely no sense. So we need to
3 figure out how we can get with the law enforcement
4 agencies with the State of California to enforce, even
5 though the BLM took the lead on that, somehow we've got
6 to make sure that the other law enforcement agencies
7 can take care of that.

8 Going to the Forest Service, I'm pleased to say
9 that I'm running five meetings with five different
10 forests. I run quarterly meetings with each Forest
11 Service supervisor and the district rangers. And we've
12 taken on a new stand now where we're starting to have
13 field tours, and I'm really excited about that. We
14 started with the San Bernardino National Forest and
15 we're already at two; the Angeles Forest we'll start on
16 one there; Los Padres Forest we're on three tours
17 already. On Monday, we did a full tour in Santa Lucia
18 Ranger District. There are some opportunities up
19 there. I showed Ms. Perez that there is incredible
20 opportunities that we can do in these forests.

21 And the reason we take the forest supervisor and
22 district ranger out there and their staff is to help
23 them, encourage them to make decisions on areas that
24 they're closing right now because of fires. Well, why
25 are we not opening. One guy, they're not going to keep

1 the off-roaders on the trail. Well, wait a minute, you
2 have to work on it anyway. So we're working real hard
3 on that. On May 23rd, we did the tour with Los Padres.
4 On June 13th, we'll have a meeting with the Angeles
5 National Forest. On September 13th, we'll have a tour
6 and a meeting with the Inyo National Forest. On
7 September 13th, we'll have a meeting with the San
8 Bernardino National Forest; and on June 23 with the
9 manager from the Bureau of Land Management, Moreno
10 Valley. So these meetings are all found on the CORVA
11 website. We'd love to have some of you participate.
12 We have the OHV Division always calling in, the grants
13 administrator, so they participate very actively with
14 all of the agencies, so they are tapped into it. So
15 it's really exciting.

16 JOHN STEWART: Good morning, Commissioners and
17 Deputy Director Greene. John Stewart, California
18 Association of 4-Wheel Drive Clubs. The grants and the
19 funding has always been an interesting discussion when
20 it comes up, and one of the things that is always
21 looked at is let's have some highlighting of where the
22 money is spent. And I would encourage the agencies to
23 be a little bit more proactive in highlighting some of
24 the different projects that are being done and where
25 grant money is being spent and how it is being spent.

1 And to that extent, I know San Bernardino Forest has a
2 volunteer association adopt-a-trail program. They have
3 a few grants and they have been doing a fantastic
4 effort with volunteers, many committed and dedicated
5 volunteers putting hours of their own time and own
6 money and sweat and effort into keeping the trails
7 maintained with small grant funding available. These
8 are the kinds of activities that I think the agency
9 should be highlighting as how in cooperation with the
10 grants from the state and with the volunteers that they
11 can come up with programs that actually promote the
12 recreational opportunities.

13 And the Forest Service talked about the new
14 recreation opportunity map. And earlier, I think it
15 was Commissioner Kerr said, well, let's look at
16 technology. Why not look at technology? I challenge
17 the Forest Service to take a public lead of the Desert
18 Managers Group and actually look at the smart phones
19 and come out with a smart phone application that would
20 give the recreational opportunities. The Desert
21 Managers Group already has a smart phone with the
22 iPhones and smart phones that once you download and set
23 up on your phone, that will guide you to all of the
24 recreational opportunities in the Mojave Desert Region
25 from Barstow up into Las Vegas. So the technology is

1 there. Yes, the Forest Service has the GIS layers
2 available. Let's look at making these maps more
3 available and the track records more available so the
4 people can download them into the GPSs. Let's use
5 technology to help promote the recreational
6 opportunities there. Thank you.

7 FRED WILEY: Good morning, my name is Fred
8 Wiley. I'm wearing a lot of hats today. For the
9 moment, I'm going to speak for the California Nevada
10 Snowmobile Association. It's not often that we get an
11 opportunity to thank the Forest Service for good works,
12 but in responding to the Winter Wildlands Alliance on
13 Subpart C, they have done an outstanding job of making
14 sure that they followed the initial rule that was set
15 down by the Chief in 2005. We appreciate that very
16 much and want to make sure that they know that we
17 appreciate it very much. Thank you.

18 AMY GRANAT: Good morning, Commissioners,
19 Amy Granat on behalf of California Off-Road Vehicle
20 Association. First thing I'd like to address is the
21 Forest Service, and Keaton is an awfully nice guy when
22 he comes up here and describes travel management. What
23 he leaves out is the thousands and thousands of people,
24 especially in Northern California that I know, who are
25 still really upset with the process, and this is not

1 going to go away. Sheriff Hagwood, I don't know how
2 many of you read his article from Plumas County, but he
3 has pledged to protect and serve the personal liberties
4 of citizens with regards to access to public lands,
5 which basically means he is not going to enforce travel
6 management rules in his county, Plumas County. While I
7 can't endorse lawlessness, his quote I think is very
8 apropos. It says, "When reasonable people are given
9 unreasonable restrictions, they start acting in an
10 unreasonable way." And this is what I greatly fear for
11 these forests and through the travel management plans.
12 The restrictions that have been instituted are so
13 great, people are not going to be able to follow them and
14 what will ensue is chaos. And we need as a
15 commissioners, and as a Commission, and its community,
16 I think we need to be very aware of this problem
17 because there are other sheriffs that are pledging to
18 act in the same manner. Del Norte is the next that has
19 come on board, and there is talk of Butte, Lassen,
20 Sierra counties, as well. This is something that
21 really needs to be watched. Again, one thing I think
22 is most important is education and enforcement in
23 keeping our riding areas open. So if the situation has
24 gotten to such a dire point, we might need to do
25 something about it and act on our own, perhaps create

1 volunteer patrols.

2 Seasonal closures have finally been lifted in
3 Eldorado National Forest. They started on
4 November 23rd. They ended on May 13th. It's about ten
5 days short of six months. I find it ironic when
6 President Obama is calling for people to get into the
7 great outdoors, and yet all of the roads are closed and
8 not allowing people into the great outdoors. There
9 seems to be a contradiction in terms in that area.

10 And another thing that disturbed me about the
11 BLM, and it's wonderful to see Jim Keeler and thank you
12 for his report, on April 8th there was meeting of the
13 Cen Cal RAC, the Central California RAC for the BLM,
14 and field office manager Rick Cooper got up in front of
15 RAC members and members of the public stating that the
16 final EIS for Hollister Clear Creek area was already
17 written and was in Washington, D.C. awaiting release.
18 And many members of the audience including myself, a
19 couple of RAC members said, wait a minute, you just got
20 the new study, the IERF study from the state, how is
21 that going to be incorporated into it if it's already
22 written. And as he turned red and started sweating a
23 little bit, it became clear that this document already
24 is written and in all likelihood would not contain any
25 of the information that was in the study, at least

1 that's how Rick Cooper portrayed it.

2 I have a big problem with that. He's been given
3 new information that could directly change the course
4 that has been selected for Clear Creek. He's been
5 given an opportunity to devise a recreation program
6 that is safe and sane and uses prudent riding practices
7 to protect the public and yet he seems unwilling. And
8 he hasn't told me this in person, but he seems very
9 unwilling, as well as the rest of the BLM, to
10 incorporate or consider this information. And I do
11 think that is disregarding the needs of the public,
12 disregarding the multiple-use mandate of the BLM, and
13 frankly paints the position to the public that the BLM
14 doesn't really care about their access. I know Jim
15 Keeler does. I'm not sure about the actions of the
16 Hollister Field Office. It puts them in a very bad
17 light. Thank you.

18 CHAIR LUEDER: That concludes the public comment
19 on the reports. It's 11:04, we're going to move into
20 the public comment period on items that are not on the
21 agenda today.

22 ////////////////////////////////////

23 **AGENDA ITEM V - Public Comment**

24 JIM WOODS: Good morning, I'm Jim Woods from
25 California Off-Road Vehicle Association. Thank you for

1 having us all here. First of all, I'd like to thank
2 the Commission, like to thank the Division. You guys
3 get yelled at enough. It's time for you to hear what a
4 good job you have done. We just held our family fun
5 day, did some poker runs and fundraiser in Gorman.
6 Besides an extremely well-maintained facility, and I'm
7 a desert guy, I like the open, was very impressed with
8 the park again, well kept up. Your staff was
9 excellent, and it was a rainy evening, and they were
10 looking to make sure we were getting out, looking out
11 for all of our safety. My hat's off to you for that.

12 Also, in April we had ran with CORVA, as well as
13 Cal 4-Wheel and other groups, American Motorcycle
14 Association, we had an off-road advocate day in
15 Sacramento. I would like to thank Commissioner Lueder
16 and Silverberg for attending, as well, as always,
17 Daphne and Phil. You guys are great. It's nice to
18 know we have your support.

19 The other thing I'd like to bring up is we did
20 your Truckhaven event in January, again another state
21 park, Ocotillo Wells. The staff was wonderful. It was
22 an easy-to-do event. It wasn't a headache, a hassle.
23 The permit process was easy and well done. Hat's off
24 to you for running a wonderful park. I can't wait to
25 learn to use my Jeep better on the training area. It's

1 gorgeous, state of the art; tickled pink to see it.

2 In the end for education, as Ed said earlier
3 with the nails and problems we have in the desert,
4 happy to announce Friends of the Dirt, which is our
5 educational arm, is getting started again with a lot of
6 new blood, and we hope to be coming for some of that
7 grant money next year. Thanks again for the great work
8 you do, and we appreciate it as off-roaders.

9 DEPUTY DIR. GREENE: If I may just following up
10 on that, I appreciate those kind words and kudos in
11 that regard to Kathy Dolinar, Superintendent of
12 Ocotillo Wells District and Jeff Gaffney,
13 Superintendent of Hungry Valley. (Applause.)

14 ED WALDHEIM: Ed Waldheim, CTUC. One issue that
15 we're starting on is to try to catch the guys who are
16 having fun on our backs without being in legal areas,
17 something that's really driving me crazy. We've
18 finally got somebody -- maybe Jeff is going to start
19 helping, get him together with Jim Sanderson to do
20 something about that. Sequoia National Forest law
21 enforcement, they finally are coming to our aid with
22 cameras. And we caught our first picture of a guy
23 completely in a red jumpsuit riding a motorcycle
24 illegally off the trail. Now we only have his picture
25 from the back. This happened yesterday. I'm trying to

1 figure out, what do we do with this, how do we deal
2 with this. Do we put a hall of shame up on the
3 website, so something to identify these people because
4 there's people out there trying to undo everything
5 you're trying to do, and it goes against us. We
6 haven't met our enemy, but, yes, you have, it's us.
7 We've met our own enemy. So this is the educational
8 portion of this. We're working very hard in Jawbone to
9 make sure we got the camera. So, Phil, I need some
10 help. What do we do with these pictures? I don't know
11 what to do with them. So something law enforcement
12 needs to deal with that, they can work with on that.

13 Partnership, partnership is one of the most
14 things that we can develop within the agencies. And
15 the DAC, which is meeting on June the 4th down in
16 San Diego with the Bureau of Land Management, their
17 focus on the DAC will be partnership. Friends of
18 Jawbone, Friends of El Mirage, California Trail Users
19 Coalition is one of those that we're not into just
20 trash. We're actually there to help manage the public
21 lands. By helping the managers who do the public
22 lands, we have to have managers who are understanding
23 of what it really is we do. We get grants. We bring
24 staff. We bring expertise. We bring private business
25 into the equation of how to manage the public lands.

1 This is something we need as an agency, Commission,
2 Division, to push a lot more. We're not doing enough
3 of that. There's so much that needs to be done. And
4 the reason we got into it is because all of a sudden we
5 realized that like in Ridgecrest office, there's only
6 three people working out in the field, 1.9 million
7 acres. We're going to lose our area. We're going to
8 lose it, so that's how we got into the grants and
9 running the areas. We had 14 people every day going
10 out into the field and managing. That's what it takes
11 to manage 211,000 acres, 165,000 acres in the Rands.
12 In Azusa Canyon we're building an obstacle course. In
13 Rowher Flats we're building an obstacle course. That's
14 under CTUC.

15 So I would like to see somehow we can push more
16 of the partnerships to make things really happen and
17 take advantage of it with the state, with the federal
18 agencies, and so forth. We've got little pockets here,
19 but we need stewards of the Sierra. We have Mike Golus
20 who works up in that area, and we have stewards of the
21 Sequoia also. So we have little pockets, but we need
22 to do a lot more of that.

23 My last issue, even though it's not on there,
24 was talk about the cost recovery. I find it really
25 ironic after we have spent millions and millions of

1 dollars since 1972 on all of these agencies to
2 designate the routes, to manage the routes, to come up
3 with the management plans on the routes, to do the
4 environmental work on these routes. We're going to use
5 these routes just now because I have five friends or
6 going to get a permit, all of a sudden, cost recovery,
7 cost recovery. We are not doing anything new, using
8 any new routes, period. We just have more people going
9 together and staying on a marked course. It's already
10 premarked. It's already there. Why is there a cost
11 recovery? This seems to be the biggest scam I have
12 ever seen in my life. And this needs to be fixed
13 because we have spent millions of dollars for these
14 agencies to provide the trails for us to recreate on.
15 I'm done with it. I paid upfront. Why are you coming
16 back and hitting me again? So this is something that
17 really bugs me of why they keep coming for me. Now we
18 have new law enforcement people, we have 20,000 people,
19 okay, that's a different story. But I've got a little
20 race, there's no law enforcement, there is no need,
21 we're already in place, what's your problem? This is
22 something where the agency really needs to look into.
23 Thank you.

24 FRED WILEY: Thank you, Ed. That was a good
25 show. Fred Wiley with the Off-Road Business

1 Association. I want to thank the Commission and the
2 Division for the fine work that they've been doing and
3 echo a lot of what's been said already today.

4 Earlier in the meeting I was listening to a part
5 of the discussion about the Commission itself as to how
6 do they address issues in a more timely manner. Now,
7 I'm not sure whether you operate under standard
8 operating procedures or what that policy is, but from
9 the public's perspective, many times we are facing
10 issues either in Washington or in Sacramento or land
11 use issues that are not very well timed with the
12 meetings that the Commission has. So sometimes by the
13 time we get the information to the Commission and you
14 schedule it and take an opportunity to act on it, days
15 have already passed, and they don't do us much good.

16 So my comment would be to look at a way to
17 streamline your process so that either the public can
18 reach out or somehow through the Division or through
19 the Commission that we can make these things more
20 timely, so that you can then represent us and take a
21 better part in what is going on out there in the real
22 world. Thank you.

23 JOHN STEWART: Good morning, Commissioners and
24 Deputy Director Greene. John Stewart, California
25 Association of 4-Wheel Drive Clubs. Ed started the

1 conversation with partnerships, and, yes, partnerships
2 are very important. And in fact I will have to leave
3 this Commission meeting a little bit early this
4 afternoon in order to get up to Porterville to work
5 with the Region 5 Forest Service on partnership issues
6 over the next couple, three days.

7 So what I find is that it's somewhat
8 disingenuous is here the Commission has an opportunity
9 with AB 42 to come on record as working in a
10 partnership basis, and yet the Commission is finding
11 that their own policies or their own past procedures
12 are hindering their opportunity to enhance the
13 recreational opportunity. And the last time I looked
14 at the Commission of this Commission, it was to look at
15 recreational opportunities and to promote them. This
16 is a great time to come on with this legislation, which
17 is an urgent action that needs to be done within a
18 timely fashion and a short time fuse. And yet because
19 of a reading or an understanding that it cannot be
20 acted upon because if it was not noted to the public, I
21 think that's kind of a disingenuous way of approaching
22 carrying out the mission. And the fact that you have
23 an informational item here that was presented, the
24 informational item was and is part of what was noticed
25 to the public about the legislation. As such this

1 legislation that is pending is short in time to make a
2 response to it and to promote the recreational
3 opportunities that have presented. And I would
4 encourage the Commission to rethink their process and
5 their procedures in the future in order to be able to
6 accommodate short fuse time actions and actually put
7 forth the voice of recreation. Thank you.

8 KAREN SANDERS: I never thought I would have
9 anything to add to what Ed has to say, but I actually
10 do. And, again, this has to deal with the
11 partnerships. I failed to mention, and I think Ed also
12 failed to mention, some of the non-OHV groups that we
13 partner with with Friends of Jawbone and Friends of
14 El Mirage, specifically Desert Tortoise Natural Area,
15 the Pacific Crest Trail Association, the City of
16 California City, the City of Ridgecrest, and private
17 property owners. And I think as a Commission it would
18 behoove you to engage those outside of the OHV
19 community in a partnership to ensure that all of the
20 interests are met. Thanks.

21 TOM TAMMONE: Good afternoon, Tom Tammone. As
22 somebody that's went through the Tread Lightly master
23 training program, I decided all of this talk about
24 education, I'd put in a pitch for Tread Lightly and a
25 lot of the Commission or a lot of Division grant funded

1 the classes that they're going to be putting on in
2 local areas. They've been popping up on a lot of the
3 social networking sites. Unfortunately, I guess it
4 cannot be put on the state's website because they can't
5 put one person's grant and not put some others. I've
6 had some conversations with staff people about this
7 before, so I'm just going to come up here and ask you,
8 you guys from all of the orgs, you start seeing us
9 putting the pitch out there on the local DBSs, on the
10 social networking networks, you know, please help out
11 and get people to fill these classes. Because we need
12 to get people out there. Really, we can battle around
13 what we want to do as an organization or as a Division
14 or as a Commission, but we've already got something out
15 there. We've got a successful grant out there, it's
16 funded, they're putting on classes, it's the most basic
17 thing you can do. Let's get our people from our
18 organizations trained and get them out there on the
19 ground helping people out there and getting the message
20 out. Thank you.

21 AMY GRANAT: Good morning, again, Commissioners.
22 Actually, on the interest of time, I'm going to make
23 this very short and sweet. I'm speaking on behalf of
24 Into Dirt, and as someone said, Into Dirt, which is the
25 educational foundation that has been associated with

1 CORVA is getting back started again, and I wanted to
2 use that kind of reentering of the educational
3 foundation to thank Commissioner Van Velsor for his
4 words this morning.

5 Very proud to serve on the Education and
6 Outreach Subcommittee with Commissioner Van Velsor and
7 Commissioner Slavik. And I can't emphasize enough the
8 importance of these meetings, and the importance of
9 getting these experts together because education is the
10 foundation of what we give our children to recreate
11 safely and responsibly in the desert, in the mountains,
12 it doesn't matter. It is critical for us to be able to
13 do this. And whatever help I can give as a member of
14 the OHV community, I'm more than happy to do so. But I
15 just have a plea, and I know Ms. Greene feels similar
16 to me, that this is a very, very important thing to do
17 to get together.

18 I also want to thank Commissioners Lueder and
19 Silverberg for coming to Lobby Day, and I was lucky
20 enough to go around to a few offices with them and
21 actually learned a lot. The most important thing I
22 learned, and perhaps this message is more for the
23 people behind me in the audience than the
24 Commissioners, but the staffers don't really know who
25 we are. A lot of legislative people they listened to

1 us very cordially, very nicely, but they are really not
2 aware of OHV difficulties, of OHV opportunities, of OHV
3 issues at all. And I call on everybody who is sitting
4 in the room, as well as the Commissioners, let's visit
5 these people more. Let's go out and educate them
6 because if we don't, no one else will. Thank you.

7 CHAIR LUEDER: That concludes the Item V, the
8 public comment period.

9 COMMISSIONER WILLARD: I wanted to follow up on
10 Mr. Stewart's discussion points regarding ground that
11 we've already pounded over numerous times. But, again,
12 he wanted to get a clarification that it's not this
13 issue of whether or not the Commission can take action
14 on agenda items specifically, that they have to be
15 business items, it's my understanding that is not
16 something that was set by this Commission's policy and
17 procedure, but that that has been specified in state
18 government code. Is that correct or do I have that
19 wrong?

20 DEPUTY DIR. GREENE: You're speaking to the fact
21 of being able to take action on a business item versus
22 any item on the agenda? We had that in the discussion,
23 as I recall, as the Commission was developing policies
24 and procedures. And the reason we did that was based
25 on the fact that we at Division are only human. So

1 that if we put everything on this agenda that you would
2 take action on, that means we need to provide a
3 thorough staff report on every single one of those
4 items. So if I brought up, for instance, today Oceano
5 Dunes and the pilot project, we would make sure that we
6 have all of that information available to you.

7 I think what we should do in the future, we need
8 to do a better job on, is making sure that we're
9 communicating with the Commission, the chair in this
10 case, to know that there are items that one of you on
11 the Commission would want to take an action on; doesn't
12 mean that you have to, but that we would list that
13 under the business items. Because as a Commission in
14 the dialogue that we had in the policy and procedure,
15 that's how we got to that.

16 COMMISSIONER WILLARD: I want to make sure that
17 Mr. Stewart understands that we have to abide by code,
18 and that's what we're doing. It's not policies that we
19 set forth. For instance, if there was something
20 earlier this morning that came up in the director's
21 report that there was a motion made to take action on
22 that, we couldn't do it. It's not a policy issue for
23 the Commission. It's Government Code.

24 DEPUTY DIR. GREENE: It's not that.

25 COMMISSIONER WILLARD: Then I'm misinformed.

1 DEPUTY DIR. GREENE: You have to take actions on
2 items that are list on the agenda, but that we made it
3 clear that those items that the Commission was going to
4 take action on are the business items. The other
5 reports, while the public would comment on the reports,
6 the Commission wasn't taking an action. If there was
7 something you wanted to take an action on, that would
8 go under business item.

9 ATTORNEY LA FRANCHI: Within the policy
10 discretion of the Commission is what items they want to
11 take action on or not. And the open meeting laws
12 simply require notice to the public so the public knows
13 what's going to happen at an upcoming meeting. That's
14 so the policy side of it is from the Commission's
15 perspective, when they would like the public notified
16 that they intend to take action.

17 COMMISSIONER WILLARD: But if an item is listed
18 as a report item, not a business item, does the code
19 allow us to take action on that?

20 ATTORNEY LA FRANCHI: No.

21 COMMISSIONER WILLARD: That's my point.

22 ATTORNEY LA FRANCHI: Because the public is then
23 not notified, on notice.

24 DEPUTY DIR. GREENE: This was the issue with
25 travel management.

1 COMMISSIONER WILLARD: So it's not our policy.
2 The codes that are preventing us from taking action on
3 something that just happens to pop up in discussion on
4 one of these other items like this morning.

5 DEPUTY DIR. GREENE: As a report item, if it
6 wasn't listed under a business item.

7 COMMISSIONER WILLARD: That's what I wanted to
8 point out to Mr. Stewart. It's not a policy issue.
9 It's the code that's preventing us from taking action
10 where we might want to.

11 DEPUTY DIR. GREENE: It doesn't prevent a
12 discussion, but it does prevent an action.

13 JOHN STEWART: John Stewart, clarification. I
14 understand that point, but my contention is that your
15 policies within the Commission, you could look and
16 predetermine if there were items under the report that
17 were informational that would be of importance to
18 recreation opportunities and have a short fuse, such as
19 supporting a legislative action or not.

20 Now, in this case, AB 42, which is a good
21 example, yes, it comes up and has potential impact.
22 While it was listed under legislative reports, because
23 it has an importance to recreation, that could have
24 very easily been moved into an agenda item. Now, this
25 is where your policies would come into play is how

1 would you interpret and how would you set that up. So
2 it's a matter of looking at how would you structure,
3 how you look at future agendas to come up and allow
4 this kind of an opportunity. That's my point.

5 COMMISSIONER WILLARD: It's always difficult to
6 have the foresight when putting together an agenda.
7 The agenda needs to be posted within ten days. It's
8 been a challenge, but I appreciate your comments.

9 DEPUTY DIR. GREENE: Chairman Lueder, what we
10 could do -- we could have a discussion about this --
11 would be to list legislation as an ongoing business
12 item. That could be a little bit confusing given the
13 sheer volume of legislative items. But if we know that
14 is something that at this time of the year is being
15 addressed, we could do that.

16 CHAIR LUEDER: Thank you for those comments.

17 So we're done with public comment period. And
18 as requested by Commissioner Kerr, I will move to
19 Item VI (C), which is a briefing on Clear Creek
20 Management Area.

21 DEPUTY DIR. GREENE: The budget item is very
22 short, if you don't mind, because it plays into Clear
23 Creek.

24 CHAIR LUEDER: That's fine. Deputy Director
25 Greene, let's move forward then with Item B.

1 //

2 **AGENDA ITEM VI(B)-Business Item-2011/2012 Budget Update**

3 CHIEF JENKINS: Very briefly, as you're all
4 probably aware, May revision of the Governor's budget
5 was recently released. There was a lot of uncertainty
6 leading up to that release by the way. We had heard
7 speculation and rumors from various sources in
8 government, various offices around, about whether or
9 not the \$10 million that had been passed in legislation
10 earlier was actually going to be included in the
11 May revision. It was included in the May revise. So
12 as soon as we saw that it was in fact included in the
13 revise, we posted the letter that had been requested by
14 the Commission regarding that \$10 million. We didn't
15 post it before because if it had been true and if the
16 \$10 million had not been in the May revise, it would
17 have seemed odd to ask the Attorney General to tell us
18 if they could take the money or not when they hadn't,
19 in fact, taken it. In any case, the May revise came
20 out, \$10 million, five for grants, five for operations,
21 it's still planned to be taken out of the OHV Division
22 budget.

23 There were also, leading up to that release of
24 the May revision of the budget, numerous budget drills
25 that were done. Sometimes we in state government, the

1 staff feel like that's one of the department's major
2 games they play, if you will, leading up to these
3 budget drills is they'll say, "What if", and they'll
4 give you a scenario. And, of course, none of these
5 scenarios we got when we were running these budget
6 drills were less than \$10 million. There were a number
7 of different ways to look at it, and those required
8 tremendous amounts of staff time because as staff we
9 don't advocate one way or another for the budget. What
10 we are tasked with doing in those situations is, we
11 will be given a proposal: What if your funding was,
12 and they'll give us a number, and then it's our
13 responsibility to say, okay, this is what the resulting
14 outcomes would be. This is how many parks would be
15 closed or open or partially closed, this is how many
16 staff would be laid off, et cetera.

17 So since we last met, a major amount of staff
18 time has been dedicated both at Division headquarters
19 and of that of the district superintendents and their
20 administrative staff on working out all of these
21 various scenarios. The long and short of it is,
22 though, that the May revision left us right where we
23 were with the \$10 million being proposed to be taken
24 out of program.

25 There is interestingly, though, a provision in

1 the Governor's May revision of the budget that states
2 they're trying to get out of having all of those loans
3 outstanding as a future debt to the state. So the
4 \$90 million loan and there are other loans that were
5 taken, are proposed to be paid back early actually.
6 And so right now, the program says that that would be
7 paid back in the '11/'12 fiscal year, which would
8 change our budget picture for the following year when
9 we would do -- we would have the opportunity perhaps to
10 look at other capital outlay projects, et cetera, if
11 that money comes back into the account. That's the
12 short summary of where we stand with the budget.

13 CHAIR LUEDER: Thank you, Chief Jenkins.

14 Since we're not having a meeting again until
15 September, and all kinds of budget action will occur
16 over the summer, I would just like to encourage
17 everybody to stay in tune with what is going on with
18 the budget, contact your legislators frequently,
19 consistently tell your friends because we are going to
20 be fighting again for whatever monies are available.
21 And I don't want to be a doomsday person, but I do
22 expect that there will be proposals to ask for more of
23 our funds through whatever means they find feasible.
24 So I would just like to encourage everybody
25 individually to stay in tune and keep in touch with

1 your legislators.

2 With that, any comments from the Commission?

3 COMMISSIONER KERR: I just want to thank whoever
4 wrote this letter. I guess Gary wrote it. It was
5 excellent, and obviously had some guidance on some of
6 the legal issues, and appreciate that.

7 And with regards to our meeting schedule, I do
8 think that this Commission should leave open the
9 opportunity to call a special meeting over the summer,
10 and I assume because of travel restrictions it will
11 probably be in Sacramento if it happens. But I for one
12 would be willing to adjust my schedule to attend
13 meeting if we have urgent items that come up over the
14 summer related to the budget or any other urgent
15 matter.

16 CHAIR LUEDER: Any other comments? With that
17 we'll move on to Item (C), Clear Creek Management Area.

18 //////////////////////////////////////

19 **AGENDA ITEM VI(C) - Business Item - Clear Creek**

20 DEPUTY DIR. GREENE: So if I may, we're back up
21 on the screen just to provide the public with an
22 overview. So many of you remember at the last
23 Commission meeting we had the Commission meeting on the
24 first day and the tour on the second day. So for those
25 of you who were not able to attend the tour, we wanted

1 to share a couple of slides with you to give an
2 overview. And then Commissioner Kerr subsequently went
3 back out, as well.

4 (Viewed slideshow with Director Greene and
5 Commissioner Kerr commentating.)

6 CHAIR LUEDER: Thank you, Commissioner Kerr.
7 Very valuable for us to all see an overview.

8 DEPUTY DIR. GREENE: As Chief Jenkins said, it's
9 been a very busy time. We received a letter from the
10 DTSC, the Department of Toxic Substance Control, and
11 the Human and Ecological Risk Office, HERO. We
12 received a letter from them regarding the IERF study.
13 We then received a follow-up letter as well recently
14 from Region Nine of the EPA, so you have those in your
15 materials. In an effort not to be in an endless back
16 and forth, I hope this is the end on this issue, which
17 would be then the responses that were provided by IERF,
18 which you have in your packet, as well.

19 The Division was tasked with writing a number of
20 letters on behalf of the Commission. We have drafts of
21 those letters at this time. We're working to identify
22 a date hopefully in the next week where we can meet
23 with the Clear Creek Subcommittee, Chairman Lueder and
24 Commissioner Silverberg, and so we anticipate those
25 letters going out in the next few weeks to those

1 members of Congress as instructed by this Commission.

2 CHAIR LUEDER: Are there any questions or
3 comments from the Commission at this time on this item?

4 DEPUTY DIR. GREENE: And, of course, we've had
5 ongoing discussions with BLM, as well. It's just been
6 a very busy time, so we anticipate getting these
7 letters out very quickly.

8 COMMISSIONER VAN VELSOR: I guess I would like
9 to express some concern about the way the meeting was
10 handled on April 5th around the Clear Creek issue. The
11 Division through their strategic plan has identified
12 the objective to use the best available scientific
13 information in making decisions and recommendations and
14 taking action. I don't feel we did that. We did not
15 meet that objective at the April meeting because we did
16 not have all of the best available information at that
17 meeting. We did not have the comments from the
18 Department of Toxic Substances, and the Environmental
19 Protection Agency had not had the opportunity to review
20 the IERF report.

21 So I don't feel that we had the adequate
22 information available for us to assess the situation in
23 a well-informed way and make a recommendation. And I
24 would just like to, I guess, point out a concern that I
25 expressed at the meeting at April 5th was further

1 identified by the comments made by the Department of
2 Toxic Substances as it relates to concern regarding
3 exposure. Quoting from their comments, "Children's
4 exposure were not measured in the IERF report."

5 The comments from EPA on page two of their
6 response to the IERF report:

7 "The IERF report discounts the
8 exposure of children. User surveys
9 have shown that families are frequent
10 visitors to CCMA, and children ride
11 the trails with their parents. The
12 EPA study found that 64 percent of
13 the air samples collected at child
14 breathing height maintained more
15 asbestos fibers than air adult
16 samples. In addition, children are
17 of special concern because the child
18 life expectancy we see the latency
19 period for asbestos-related disease."

20 I feel that the Commission moved too quickly on
21 this. I don't think this Commission intends to put
22 children in a position where there's unacceptable risk,
23 and I think we did that by making the recommendations
24 that we made. That's just a statement.

25 COMMISSIONER KERR: So I just was hoping that we

1 could review what we've done so far and what, if
2 anything, we need to do. I think there was an urgency,
3 if I recall there was a public comment period there
4 that was ending. Let's face it, our trip to the site
5 uncovered a number of illegal actions by the Bureau of
6 Land Management. I can only describe them as that,
7 including destruction of publicly-funded facilities,
8 some of which was funded by funds from this agency.
9 And they did it before they had issued sort of plans
10 for the area. I was very disturbed by that. I think
11 the fact that we went out there and investigated this
12 was an important activity.

13 But, again, we're not going to be meeting until
14 after the summer, so what's going to happen about Clear
15 Creek? I actually mentioned to Daphne -- I'm not
16 necessarily one to take a lead on this, but I think if
17 the Commission could provide some direction as to where
18 we go next, then I would be happy to provide a
19 supporting role because I think this is a political
20 issue. It's got a lot of elements to it that are
21 perhaps beyond the scope of typical staff duties. I
22 would like to review what we decided on last time,
23 what, if anything, we need to decide on today about
24 this issue so we can appropriately address it.

25 CHAIR LUEDER: Thank you. Deputy Director.

1 DEPUTY DIR. GREENE: So if I may just for some
2 clarification purposes, when we put out the RFP for
3 somebody to look at the study, it was not done as a
4 comprehensive study. We specifically didn't do that
5 because our responsibility for looking at the Trust
6 Fund, that would be millions of dollars, and we weren't
7 prepared to do that. We simply wanted, as I think we
8 said in there, a spot check. It was a moment in time
9 to say, does this make sense. That again had been my
10 request early on of EPA, had been to obtain some of the
11 samples that we could look at. And that was denied,
12 and whether or not that's a policy issue, as indicated
13 by EPA, and whether or not an exception could be made
14 for the state, but it was with the thought that we're
15 just going to do a spot check.

16 We never intended for it to be a comprehensive
17 study to look at children. I think that we heard at
18 the meeting that there were some concerns about whether
19 or not you had adults on child-size ATVs, whatever that
20 was, we were not doing that. And when we met with DTSC
21 and OEHHA and Cal EPA before the Commission meeting, we
22 had that discussion with them. We said we were simply
23 looking at are there management practices that might be
24 considered by BLM in conjunction again with Region Nine
25 where you could say that Clear Creek could remain open.

1 Would that be the situation where maybe you're there
2 for a limited time, maybe you're looking at seasonal
3 closures, maybe you're looking at trails only, maybe
4 you're looking at no children, I don't know, but just
5 to take a look at that.

6 So when IERF went out and did the study, it was
7 never with the intention to be a comprehensive study.
8 The HERO letter that we received was dated the day
9 before the Commission meeting. So I guess I would be
10 somewhat concerned by the comment that they didn't have
11 time to review the report when they provided the letter
12 to us the day before the Commission meeting.

13 That being said, we're still going to, as we
14 move forward in discussions with EPA, we had the
15 discussions prior to the meeting, they had said they
16 had an opportunity. I welcome the feedback. I think
17 the most important thing we can do is get all of the
18 good minds at the table to look at ways that there
19 might be some alternatives that could take place at
20 Clear Creek, whether or not it might be a limited
21 number of recreation days or whether again maybe it's
22 the trails. I think Commissioner Kerr said today
23 whether or not you hardened the dirt roads, some of the
24 staging areas, any of those things, any of those
25 alternatives, that might be possible. And then look at

1 those, and then be able to move forward.

2 So, Commissioner Van Velsor, it wasn't with the
3 intention of studying children. That was not the
4 intent at the time. It was simply to find out whether
5 or not is there what EPA said it's never safe, even
6 when it's actively raining, it just seemed odd. So if
7 it's never safe, and I guess as I look at the IERF
8 study which says there may be times if you look at
9 management constraints, there may be times where it
10 might be safe.

11 We wanted to bring this forth, whether or not
12 you choose to reconsider, however the Commission wants
13 to proceed, but I wanted to make it clear, we weren't
14 looking at the IERF study as being the same as the EPA.
15 We just weren't. I think some of the questions,
16 though, that do come up was that a majority of EPA's
17 samples were taken during the summer months. If, in
18 fact, you said recreation will not occur there in the
19 summer months, and then you go back and look at those
20 samples, does it change the picture at all, does it
21 change the risk analysis? Those are some of the
22 ongoing questions.

23 CHIEF JENKINS: In looking at the IERF response,
24 some of the things that are interesting -- and one
25 small correction, that letter from HERO was dated the

1 day before the Commission meeting, but we hadn't
2 received it yet nor were we provided it at the meeting.
3 So we actually didn't receive it some weeks afterwards,
4 even though it was dated before the Commission actually
5 met.

6 The EPA letter, on the other hand, was dated
7 after the meeting. But even so, it's interesting that
8 in the preliminary paragraph of the EPA letter, they
9 say the study, referring to the IERF study, was to
10 compare airborne asbestos exposure to those reported by
11 the EPA study. And as many times as we tried to tell
12 EPA and the state environmental agencies that that's
13 not what we were doing, that's continually the mindset
14 it's taking, that we've challenged the report or we
15 tried to redo their work.

16 And that's what I think Deputy Director Greene
17 was trying to clarify and make very clear that this
18 wasn't a challenge to the report. This was a
19 completely different approach, and the IERF study and
20 the response letter to these two letters does a good
21 job of going through and pointing out the EPA study was
22 looking at current conditions, so year-round riding, no
23 restrictions, ride as frequently as you want, ride as
24 close to the ground. The IERF study was looking at
25 best case scenario. So it's a night and day, you

1 really can't compare the two studies side by side.

2 What is most interesting is that both the HERO
3 letter and EPA letter say: Given the conditions that
4 existed the two days that IERF was out there, the
5 numbers are consistent. So essentially everybody
6 agrees. The state agencies, EPA, IERF, they all agree
7 that on days like the days that IERF was out there
8 doing the study, that the actual exposure to adult
9 riders riding five days per year is acceptably low,
10 it's not exceeding any kind of standards.

11 The question then, as BLM and all of the various
12 agencies move into the future, is how many days like
13 that exist. And that's where the opportunity is to do
14 further studies of how many days would meet those type
15 of criteria that existed the two days that IERF did
16 their study.

17 COMMISSIONER WILLARD: I would like to make a
18 comment/response to Commissioner Van Velsor's comments
19 regarding the motion that we took at the last meeting.
20 I believe it was that the Chair was directed to work
21 with staff to write a letter and comments to the EPA
22 regarding the draft EIS. And in that letter, we were
23 instructed to include a range of potential mitigation
24 measures. And as Chair, one of the issues that I would
25 have covered in that letter would have been children

1 and how there might be certain actions taken to
2 mitigate exposure to children. So that was my intent
3 at least.

4 COMMISSIONER KERR: Did we write the letters?

5 COMMISSIONER WILLARD: There are drafts, but
6 it's been a fluid situation. So it's urgent, but at
7 the same time, there has been more information coming
8 forth.

9 DEPUTY DIR. GREENE: Well, we do have a draft,
10 so anticipate sharing that with Chair.

11 COMMISSIONER WILLARD: That's a good point.

12 COMMISSIONER SILVERBERG: In regards to Stan's
13 comments, and I think the feeling of what we were
14 carrying forward that Daphne has already reiterated,
15 the new report was really just indicating is there a
16 safe time to recreate or not in Clear Creek, which is
17 in contrast to what the EPA's report stated, and that's
18 it. It was just identifying that according to their
19 report there are days to recreate down there that don't
20 create a hazard, and that's it. That was just it, that
21 one point they were trying to make.

22 And so I believe that our letter from the
23 Commission going forward will just indicate that there
24 are maybe some alternatives to look at for that area
25 versus just shutting it down 100 percent. It's that

1 simple.

2 CHAIR LUEDER: Responding to the
3 Commissioner Kerr, I think our action plan at this
4 point is to finish the letter, send it out, and then
5 continue to talk with the agencies involved, and assess
6 the situation as we move forward within the
7 Subcommittee and Division staff. So at this point,
8 that's where we're at. And I'm happy to keep in
9 communication on an individual basis with those who
10 have interest with where we're at over the next couple
11 of months.

12 So I did not take public comment on Item B, the
13 budget, and we still have comments on this item from
14 the public. It's 12:00, should we break for lunch or
15 should we take public comment at this time? Going back
16 to Item B, the budget update, those people who have an
17 interest in making a comment.

18 ED WALDHEIM: Ed Waldheim, on the budget. Since
19 they've taken the money before it gets to where it's
20 supposed to go, it's a taking of the money breaking the
21 law because we created the OHV program in lieu of taxes
22 on our vehicles. So is there going to be a way that
23 the Division can tell us or how can we start asking for
24 refund on monies from the state for not utilizing our
25 fees that we added to our registration. Remember, it

1 went from a \$25 to \$50, and so I think it's time that
2 we start asking for a refund for the funds that they're
3 illegally taking from us and not going for the purpose
4 of what they were intended. And I think that's
5 something we should not let go back. We need to start
6 doing that, even if it means a class action, everybody
7 is starting to do that, but we need somebody to help us
8 on that and see what the legal issues are as far as
9 that fund is concerned.

10 TOM TAMMONE: Tom Tammone. I guess it's
11 official, they have taken the money. As Ed Waldheim
12 said, this is a theft. They've been taking the money
13 out as a loan. Now, I guess they decided just to not
14 put \$10 million in the budget in the first place. But
15 the underlying problem still is we're not utilizing the
16 fund. And I've asked before that the Legislature
17 address what are the blockades to us not being able to
18 utilize the funds. And in itself I see that as theft
19 in that we're being set up so we can't utilize the
20 funds.

21 Now, I've seen under some legislation and all
22 that list of numbers, the Parks Department, they've got
23 some legislation going how they can accumulate land or
24 buy land, maybe we can be included into that too
25 because we're technically part of Parks Department.

1 But I'm sick and tired of hearing, well, we just can't
2 spend the money, so we're just going to borrow it with
3 obviously no intent of ever paying it back. So it's in
4 a sense theft. It's just not being called that.

5 If there is a blockade, what is the issue? Why
6 can't we utilize the funds in the first place? I have
7 a lot of my own opinions. I've taken a lot of heat for
8 it, but I've asked for information. I've received
9 nothing as to why we can't get any land deals going.
10 It's just real frustrating to see funds disappear out
11 of the account. And I guess by omission they're just
12 not doing anything to allow us to utilize our money.
13 And I consider that theft, too.

14 But I spent \$80 yesterday on the trip, and
15 almost 300 miles of driving. And half of that money
16 was on the 42 miles we spent on the dirt. A Jeep gets
17 a lot less mileage driving on dirt in low range than it
18 does driving on the freeway at 65 miles an hour in
19 fifth gear. I guess we can call it minimum carbon
20 mode, but there is more money being spent than I think
21 that the formula captures on our fuel taxes.

22 CHAIR LUEDER: That closes comments on Item B
23 for the budget update.

24 Public comment for Item C, Clear Creek.

25 JOHN STEWART: John Stewart, California

1 Association of 4-Wheel Drive Clubs. I would like to
2 thank the Division for the amount of work they have
3 extended on the Clear Creek project. They've really
4 gone out of their way to come up and address the issues
5 and look at the adequacy of the study. And the one
6 thing is adequacy is in the eye of the beholder. And
7 thank you, Deputy Director and your staff, for actually
8 having the courage to stand up and question that study
9 because it does leave a lot to be questioned. Thank
10 you for your efforts.

11 ED WALDHEIM: Ed Waldheim, CTUC. I echo what
12 John Stewart says. Daphne and the staff, you did an
13 incredible job going in there. I'm appalled the field
14 manager's audacity to stand there and think that we're
15 going to swallow him tearing down campgrounds that we
16 paid for and turning them into little campsites for
17 shooters or bicycle people, not that I have anything
18 against them. But he predetermined the outcome. He
19 already tore everything out, everything is torn out.
20 Ms. Perez, the document wasn't even signed. He already
21 tore it all out. It's all gone. So that's a
22 predetermination if I ever saw one.

23 There's a lot of opportunity in that area. The
24 report that they came up with should be really brought
25 forth, and I think politically we may have to push the

1 legislative side of it, I mean from our congressmen and
2 that. Mike Poole is sitting back there in
3 Washington, D.C. I personally haven't talked to him
4 about this issue since people who have gone back to
5 Washington, D.C. I don't know if they talked about it.
6 I think we need to elevate this up through the higher
7 levels. And, Mr. Kerr, I congratulate you taking the
8 airplane. That's a brilliant way of doing it. I just
9 told Ms. Sanders that maybe we ought to do a show with
10 that on Jawbone and those areas that we have to educate
11 the people on how important this, even Johnson Valley.
12 It's a perfect way to do it, even if it's in a 172.

13 TOM TAMMONE: Okay. Now, as far as the Clear
14 Creek and the campsites disappearing, that brings up a
15 whole other issue, and I kind of see it kind of
16 dovetails into the grants. Staff is doing everything
17 they can to try to weed out things that are not covered
18 on other programs. The first year we put this system
19 into effect, we actually had less applications than the
20 money that was available. And I kind of attributed
21 that to I guess they're testing the waters, and they're
22 only applying for what they really need. It's
23 all-or-nothing funding, they're not reaching for the
24 stars hoping to get to the moon which is great. Well,
25 now it seems what's happened is now they get used to

1 the process, they're turning it into their own personal
2 ATM machine. As long as we can get the score, we can
3 apply for whatever we want.

4 So looking at what's going on in Clear Creek,
5 there has to come a time where you can just tell an
6 agency, hey, you know what, you obviously don't care
7 about our money, you need not apply anymore. And if
8 what everybody seen in Clear Creek doesn't do it for
9 us, it's never going to happen. You're not taking care
10 of our funds. You're not utilizing our funds. You
11 have no respect for our money or the users, the
12 taxpayers. You don't need to apply anymore. It's that
13 simple.

14 And the Clear Creek issue as far as what
15 happened to the campgrounds there, clearly crossed that
16 line. So something needs to be done legislatively
17 about it, but even before then, agencies that are
18 applying for things that are just so uncalculated moot,
19 you just got to say, hey, don't come to us, you don't
20 respect our users, you don't respect our money. Thank
21 you, but no thanks. Thank you.

22 CHAIR LUEDER: That concludes the public comment
23 period for Item C. We'll take a lunch break.

24 (Returned at 1:23 from break commencing at 12:08.)

25 CHAIR LUEDER: Next item is Item VI(F), Johnson

1 Valley. Marine Corps will be making a presentation on
2 their proposal, and before we have them start, I wanted
3 to acknowledge about one-third of some of the public
4 comments that are going to be delivered to the Marine
5 Corps this afternoon sitting here in front of us. So
6 obviously there's some public interest in this issue.
7 And it's not often that we see this many people take
8 their time to submit comments on any proposals, so it
9 speaks to the seriousness of this issue. So I just
10 wanted to acknowledge that. We're going to have a
11 couple of photos. If anybody wants to take a photo of
12 it, it's here. Then they're going to cart it off and
13 get it into the mail. We will take a moment for that.

14 AUDIENCE MEMBER: There's in excess of 20,000
15 letters being delivered today.

16 CHAIR LUEDER: With that, I'll turn it over to
17 the representative from the Marine Corps,
18 Chris Proudfoot.

19 CHRIS PROUDFOOT: Thank you for the opportunity
20 to come down today. I'm here on behalf of the Marine
21 Corps and the Department of Navy in making sure that we
22 get as much information as we can out to the public
23 associated with the project to acquire land and
24 establish new airspace surrounding the Marine Corps Air
25 Ground Center, Twentynine Palms, California.

1 Our goal today is to answer any questions that
2 the Commission has, and we will stay as long as you
3 want or as little as you want and attempt to do that.
4 So I don't want to leave a question unanswered.
5 Literally the one thing we want to count on is that we
6 get factual information in everybody's hands. And that
7 way when the public does comment to us -- and I'm going
8 to look forward to reading every one of those comments
9 personally -- we are sure that we've put the
10 information out that's going to allow the public to
11 really put an informed comment in to them. With that,
12 we have a presentation.

13 (Slideshow presentation.)

14 CHRIS PROUDFOOT: Again, if there are questions,
15 happy to entertain those in an attempt to answer
16 anything we can. What I'd like to do is before we
17 launch into some of the details, I'd like to ask
18 Captain Nick Mannweiler, who is our spokesman over at
19 Twentynine Palms, to kind of put a Marine Corps
20 overview on this thing so that everybody is aware of
21 where we are coming from in particular. We'll
22 transition back and talk about some of the details
23 inside of the project description itself.

24 CAPT. NICK MANNWEILER: Mr. Chairman and
25 Commissioners, my name is Captain Nick Mannweiler. I'm

1 the Director of Public Affairs for the Combat Center at
2 Twentynine Palms. And as Mr. Proudfoot said, I'm going
3 to kind of explain just a little bit about Marine Corps
4 training and how we deploy and operate as America's
5 Expeditionary Force in Readiness. If at any point you
6 miss something I say or have any questions, please
7 don't hesitate to stop and ask me.

8 The Marine Corps is the expeditionary force in
9 readiness for the United States. Each of the branches
10 of service is designed with a specific mission, a
11 specific setting that they do best in. The Marine
12 Corps is primarily organized. As America's
13 Expeditionary Force in Readiness, the Marine Corps is
14 primarily focused on reaching out to the world's
15 littorals. Basically if you project out to 2025,
16 there's projected to be a 30 percent population growth
17 in the world, and roughly 75 percent of the world's
18 population will live within 35 nautical miles of the
19 sea. So if you can go from the sea to the land, you
20 can have a very good chance of influencing world
21 events.

22 Every time that we put Marines into a deployable
23 environment, we do our absolute best to make sure that
24 marine units can train together, and the phrase that we
25 use is that Marines train the way we fight. It's not

1 training on a basic level that can be done at any
2 Marine Corps training range. At Twentynine Palms, we
3 conduct pretty much the master's level of war. That's
4 what we do at the Combat Center, the schools and the
5 personnel that we have assembled there, to train
6 roughly 90 percent of all of the Marines that deploy to
7 Afghanistan come through the Combat Center.

8 So on our training ranges, Marines do live fire
9 combined arms maneuvers, and that's combining all of
10 the parts of the Marine Air Ground Task Force. Every
11 Marine unit takes with it its own air, its own aviation
12 support, its own ground support, its own logistics and
13 command elements. Those four elements of a Marine Air
14 Ground Task Force, what we call a MAGTF for short,
15 always deploys together. It's scaleable. That's what
16 the Marine Corps offers the country that we can respond
17 in different levels.

18 The smallest unit that we deploy is called the
19 Marine Expeditionary Unit. That's roughly 3600 Marines
20 complete with their aviation, logistics, and ground
21 support. Second would be the Marine Expeditionary
22 Brigade. Currently there are no training areas
23 anywhere in the Department of Defense inventory that
24 support training of the Marine Expeditionary Brigade,
25 which is roughly 15,000 Marines. That's our

1 middleweight. The highest level that deploys is the
2 Marine Expeditionary Force, roughly 90,000 Marines.
3 Currently there's a MEF operating in Afghanistan, but
4 when we invaded Iraq in 2003, 90,000 Marines hit the
5 shores and fought their way through Iraq. Regarding
6 the Marine Expeditionary Brigade, over the past ten
7 years the trend has shown us that's the primary way
8 Marines will be deployed. That's the way we have
9 fought, and we believe that's the way Marines should be
10 able to train before they are sent into combat in that
11 configuration.

12 A Marine Expeditionary Brigade was sent into
13 Afghanistan 400 miles in 2002 from the sea and without
14 training. Those Marines trained before they deployed
15 but never together. The fact that they pulled that off
16 as well as they did is a testament to the fighting
17 ability of the United States Marines. But we feel that
18 that unit should have been able to train together if at
19 all possible.

20 So aboard the Combat Center, we have a variety
21 of ranges that support the training of Marines. At any
22 given time, we conduct a 28-day training package called
23 Enhanced Mojave Viper. That trains roughly 5,000
24 Marines at a time. We conduct roughly nine of those a
25 year. And during that training package, they go

1 through a variety of progressions of training, whether
2 it's fighting in urban areas, which again our trends
3 and our projections indicates that's the way we will be
4 fighting in the future, very complex frequently urban
5 environment. But with that goes transportation piece
6 and a maneuver piece. Any complex environment that we
7 are deployed to incorporates a lot of travel, as well,
8 and a lot of fighting along the way. It's not
9 localized in cities. We haven't fought that way in ten
10 years. It has an urban appeal to it, but there is a
11 very complex training environment.

12 So, again, any time that we train, whether it's
13 Enhanced Mojave Viper, our 28-day training package, we
14 bring together all of the elements of a Marine Air
15 Ground Task Force right before they deploy. We're the
16 final stop before the deployment to Afghanistan. The
17 aviation side plays a part. The artillery is called
18 into play. The training and amount of range that we
19 have there is the only place in the Marine Corps where
20 we can utilize all of our weapon systems fighting
21 together in the exact same way that we will be employed
22 in combat.

23 I'm going to turn the microphone over to
24 Chris Proudfoot at this point.

25 CHRIS PROUDFOOT: I want to start by saying that

1 this has not been a snap judgment by the Department of
2 Defense or the United States Marine Corps in any way,
3 shape or form. This process actually started probably
4 50 years ago in Vietnam when we put the men ashore to
5 actually evacuate from Saigon. We've been deploying
6 MEFs pretty much collectively since then. In 2010,
7 Commandant General Hagee made a decision, based on what
8 he was being told by the President and administration
9 at that time, was to be prepared to continue to deploy
10 in the manner that we had been, but that we needed to
11 refine how we were going to war fight. And by that,
12 the commandant took that requirement to mean that we
13 need to not only deploy as a Marine Expeditionary
14 Brigade, we need to be able to fight as a Marine
15 Expeditionary Brigade for longer periods of time.
16 That's a little bit different twist than what we had
17 been doing, and it raised the requirement to train that
18 MEB in order to be prepared to go into harm's way.

19 From 2000 on, we started a long process of
20 studies, analyses, and everything we could think of to
21 develop the requirements for how were we going to train
22 that Marine Expeditionary Brigade. We went back to the
23 Secretary of Defense multiple times and got him to
24 approve that, yes, there is no place in the DOD
25 inventory where you can do this training, and it's very

1 clear that you need to do this training. So we're
2 getting the check and balances all the way across the
3 process over the last ten years.

4 In 2002 to 2004, we contracted out some studies
5 with the Center for Naval Analysis, and they helped us
6 describe what a MEB needed to be trained to and what
7 type of equipment did you need to train them in to the
8 best effect based on the future where our nation's
9 threats were going to be coming from.

10 In about 2008 we started actually looking at
11 places where we could do this. Let me segue back, the
12 Center for Naval Analysis identified that of all of the
13 places in the DOD inventory, Twentynine Palms is the
14 only place that can do even a semblance of what
15 required training for the Marine Expeditionary Brigade
16 was, largely due to its live-fire maneuverability which
17 is unlike anywhere else in the DOD inventory.

18 About 2008 we started detailed looking at the
19 areas surrounding the Combat Center in order to make it
20 to meet the minimum requirements that were identified
21 by the Marine Corps, the Department of Defense, and by
22 the analysis that we've done at that point. We
23 initially looked at five basic areas, one to the north
24 of the Combat Center. And just as orientation, you've
25 got the northern Route 40 up here. You've got

1 Highway 62 and Joshua Tree National Park to the south,
2 Johnson Valley out here to the west, Amboy and Cadiz
3 out here to the east, and the Town of Twentynine Palms
4 right about here just to the south of the current
5 installation.

6 We initially had a study area established to the
7 north of the base. We also had a study area
8 established way out here that actually went clear to
9 the Colorado River. We refined that down based on a
10 discipline process of defining what it is about MEB
11 training that was a redline, meaning a minimum
12 requirement that had to be met in order to ensure
13 Marines were trained the best. Through those criteria,
14 I won't go through them in terrible detail, we boiled
15 this down to these three study areas that generally
16 support the Environmental Impact Statement process as
17 mandated by NEPA to come through and study those areas
18 of what the impact would be if we were to conduct this
19 training there.

20 That kind of started the process going, and
21 we've in the last four years have been working to study
22 these areas in detail. And on the 25th of February, we
23 released the Draft Environmental Impact Statement
24 supporting what we think our proposed action of
25 conducting MEB training at Twentynine Palms would

1 actually mean to these three study areas.

2 It's important to note that it's just not land
3 space that we're talking about. The Marine Corps
4 operates in three dimensions. We have an air component
5 as well as a ground component. In order to fight as a
6 Marine Corps, as a MAGTF, it's the integration of the
7 aviation with the infantry that makes the difference.
8 That's a cultural piece that resides in the Marine
9 Corps more prominent than any other service in the
10 United States right now. So it's just important to
11 keep in mind that we're talking about airspace
12 establishment, as well as land acquisition.

13 We looked at multiple alternatives of how you
14 could maneuver. We developed a template for an
15 exercise to conduct for the MEB. And in general in
16 2008, we published five basic alternatives that
17 supported achieving MEB training. We went through a
18 scoping process where we received about 20,000
19 comments, hopefully about the same size as that stack.
20 And through that process, we actually developed a sixth
21 alternative that in our mind represented a compromise
22 between all of the impacts that we might have through
23 the proposed action, and primarily with the OHV
24 community, that allowed for some access back to those
25 historic recreational lands under the proposed action.

1 And that was the sixth alternative, which in the 2011
2 time frame has become the preferred Department of the
3 Navy alternative as we go forward into this Draft
4 Environmental Impact Statement and then into the final
5 here in the next six to eight months.

6 We have a number of airspace alternatives.
7 Largely they are not drastically different between
8 Alternatives 1, 2, 4, 5, 6. Alternative 3, again, I
9 should highlight that we've got the posters on the back
10 wall. Alt. 3 is one that is east. We had all of the
11 cool-colored signs up earlier, so that airspace is
12 distinctly different than all of the other five
13 alternatives.

14 I'm going to very quickly go through the
15 alternatives just so you understand how we looked at
16 them, and each one provides a different option. We
17 developed criteria that we called an objective and
18 threshold, meaning what's the best fit for the Marine
19 Corps requirement and what's the minimum fit for the
20 Marine Corps requirement. And based on that, that
21 allowed us to evaluate the alternatives against the
22 training requirement that was being generated on us.

23 Alternative 1 is probably the most operationally
24 best fit for the Marine Corps' purposes as it would
25 include the acquisition of the entire western study

1 area or Johnson Valley and the entire South Study Area
2 associated closely with Twentynine Palms, Wonder Valley
3 area. This allowed us to take three battalion task
4 force of about 1500 to 4500 Marines in each one and
5 maneuver them independently across the Combat Center,
6 converging on a single MEB objective out in the west
7 that met every requirement that we had come up with as
8 far back as 2000, and that met every requirement we
9 could come up with. The downside of this is that it
10 does take the entire study area, as well as the
11 majority of the Johnson Valley OHV area.

12 Alternative 2 basically is the same alternative
13 as Alternative 1, but what we envisioned is if we
14 reduced some of the requirements and only looked at
15 acquiring half of the Johnson Valley area or the West
16 Study Area and the South Study Area, we could meet the
17 majority of our objectives but not all of our
18 objectives in doing this. There's something we hold
19 true in the Marine Corps is freedom of action for that
20 commander. That means he's forced to think about how
21 he will accomplish his objectives, and this pretty much
22 restricts that action to his ability to be creative.

23 (Location of Commission's tour discussed.)

24 CHRIS PROUDFOOT: Looking at Alternative 3,
25 which is going to be a fan favorite today I'm sure,

1 what we looked at was starting in the East Study Area
2 we would still acquire the South Study Area, but
3 starting a maneuver here in the east and then
4 maneuvering and terminating the MEB exercise on the
5 current Combat Center. And that red dot is meant to be
6 a MEB objective. One of our basic screening criteria
7 is we wanted all three battalion task forces to
8 converge on a single objective simultaneously. That
9 forced a lot of training objectives. When we looked at
10 tasks that needed to be accomplished, that forced a lot
11 of the training objectives to occur.

12 Along with this particular course of action that
13 we found, there is a lot of things out here in the East
14 Study Area, one of which is the dry lakebed here which
15 is not really dry very much of the year, weathered, and
16 most people see there is a Clorox factory out here,
17 these landholdings are out here with their water
18 resources below. That there is a gas line right here.
19 There is a train line right here, and there's a
20 separate electric line I think that runs right along
21 contiguous with that rail line. Add to that that
22 Amboy Road runs right along the boundary of the base
23 presently, that created a lot of moving parts out
24 there. This did meet the minimum requirements that we
25 established initially.

1 COMMISSIONER SLAVIK: You have some
2 infrastructure in what we're talking about as the
3 eastern acquisition site. Would that be appropriate to
4 a realistic environment that the Marines would be
5 training in, crossing roads, power lines, flying around
6 things? I'm just posing that.

7 CHRIS PROUDFOOT: I think that's a really good
8 question, and I would say generally absolutely. In the
9 Marine Corps we talk about core principles and core
10 capability. The fundamental that's gotten the Marine
11 Corps through in the last 50 years is the ability to
12 conduct live fire combined arms maneuvers in any
13 environment. That's been the foundation. Since we
14 don't know where we are going to go next, whether it's,
15 as Nick talked about, a littoral urban environment or
16 is it going to be back in Afghanistan, you start naming
17 the places, we just don't know. So in order to train
18 that MEB, the core capability we're looking for is
19 combined arms live fire maneuver through any
20 environment.

21 So, yes, there's some goodness to that, but in
22 general terms when we talk about training for that
23 urban area, we would look at very precise areas in an
24 urban area to build that in. So, for example, the high
25 ground is good because it forces our helicopter pilots

1 to really get careful about how they fly on MPGs,
2 things of that sort. The ability of Amboy Road or that
3 pipeline to withstand a 70-ton tank crossing it is
4 pretty questionable. So at a certain point you get to
5 a all right, we could do it and it's very realistic;
6 however, we're going to have to replace it every time
7 we do it, which doesn't start to look very good in the
8 long run. Doable and meets the minimum requirement is
9 the message I'm hearing. I think that's a great point,
10 though.

11 CAPT. NICK MANNWEILER: Fundamentally combined
12 arms fire maneuver is what we do best. That's what the
13 Marine Corps is sent for.

14 CHRIS PROUDFOOT: Does that answer your
15 question, sir?

16 Alternative 4, again, we modified this based on
17 the public comments received back in '08 and '09. This
18 looks exactly like Alternative 1 with the exception
19 we're going to do west to east maneuver with that MEB
20 objective being along the eastern boundary of the base.
21 We would stage and assemble here in the West Study Area
22 and conduct that maneuver over.

23 This is yellow highlighted to indicate that this
24 would be part of a restricted public access area or
25 shared-use area, as it commonly gets referred to, where

1 for about ten months of the year, public access would
2 remain as it is today in general large part. For about
3 two months of the year, we would need it for the
4 staging and starting of that MEB exercise in order to
5 conduct that. Historically, we generally look at a
6 spring and a fall event, but that part we would look
7 for a particular relationship with OHV communities, you
8 name it, to come up with the best time to schedule
9 that. So we've gone into some detail in the DEIS about
10 how we would look to do that, but at the heart of it is
11 we would have to coordinate and schedule well in
12 advance. This normal cycle for an exercise of this
13 scale, it would take two years of prep to set it up.
14 So it would be at least two years' notice before we'd
15 start to actually schedule those things out.

16 Now, there's a lot of angst associated with the
17 restricted public access area, and it's one area where
18 I hope the 20,000 comments have a lot of information on
19 that. That's an area we would like to make sure is
20 right when we go to the final EIS here in the next six
21 to ten months. This also would include the acquisition
22 of the South Study Area. Non-dud producing ammunition
23 in this area, which would make it fairly easy to sweep
24 up largely for equipment and stuff that might have been
25 dropped by some of the 15 to 20,000 Marines that would

1 have been out there, and then it would be returned to
2 public use as quickly as possible.

3 AUDIENCE MEMBER: Are you saying there would be
4 no live fired ammunition out in the area; that's what
5 you are telling us?

6 CHRIS PROUDFOOT: There will be ammunition out
7 there. It will not be fired into this area.

8 DEPUTY DIR. GREENE: A reminder; they need to
9 hear the public questions via the Commission, so they
10 make sure they comply with the law. Let them get
11 through their presentation, and then hear from the
12 Commission, and then we will hear from the public.

13 COMMISSIONER KERR: So we saw this area
14 yesterday, and we saw a few sensitive environmental
15 features, and particularly stands out is the cactus
16 rings, as you saw. How does it work, do these guys
17 parachute into these places? Do you guys have 15,000
18 Marines that go through here? And what will that do to
19 the relatively sensitive environment? How is it going
20 to be cleaned up?

21 CHRIS PROUDFOOT: I have got a wonderfully short
22 1500-page book that you need to read that actually
23 answers that question. There's going to be impact,
24 because associated with those 15,000, 18,000 Marines,
25 there's going to be several hundred vehicles that's

1 going to go out there. In this particular action, we
2 would clearly be staging down here in our expeditionary
3 field here, and there would be a movement out to those
4 areas. And then as they conducted the exercise, they
5 would move west to east. So is there going to be some
6 traffic impact from 15,000 Marines and several hundred
7 vehicles, absolutely. And that's what the Draft
8 Environmental Impact Statement highlights what that
9 impact might be. The Marines would stay as they are
10 under any alternative. Those wouldn't be touched in
11 any way, shape, or form, as an example.

12 DEPUTY DIR. GREENE: Chris, it wouldn't be
13 touched because you're not there or they wouldn't be
14 touched because how can you prevent them from being
15 impacted?

16 CHRIS PROUDFOOT: In most of the alternatives,
17 they are not even in the acquisition process. I think
18 there is one where we actually acquire them. They
19 would stay as the yucca range they are. We would put a
20 no-fire area around it, and they would stay as they
21 are.

22 CAPT. NICK MANNWEILER: We have parts of the
23 base now within training areas that are managed by our
24 Natural Resource Division on the staff. We have
25 biologists that are on staff that advise the training

1 general that we have this particular environmentally
2 sensitive area. This is something that needs to be
3 mitigated for. And we have the ability to still
4 conduct training, but highly sensitive areas can be
5 dealt with and taken care of the way they should be.
6 So we're not suggesting doing anything in any
7 newly-acquired areas that aren't already done on our
8 training right now.

9 CHRIS PROUDFOOT: Alternative 5 is actually
10 exactly like Alternative 4, except we don't acquire the
11 South Study Area. And what that drives us to is we
12 just built a large mount facility out here, just short
13 of Hildago Mountain on the Kern Installation
14 boundaries. One of the battalion task force terminates
15 its activities there, and only two battalions would
16 actually move on to the objective located on the east
17 side of the boundary.

18 COMMISSIONER WILLARD: You just made a comment
19 that there's a portion of the existing base that is
20 under some form of environmental protection. How many
21 acres and what percentage of the base do you think is
22 included in that area?

23 CAPT. NICK MANNWEILER: Sir, I don't have those
24 statistics readily available, we can get those to you.

25 COMMISSIONER WILLARD: Is it sizeable or just a

1 little bit here and there?

2 CAPT. NICK MANNWEILER: It's pockmarks of areas
3 that have been highlighted, whether it's culturally
4 sensitive, petroglyphs, things like that, whether it's
5 a particularly high concentration of desert tortoises,
6 endangered species, things like that. I'm not the duty
7 expert on that, but we can get you specific answers.

8 CHRIS PROUDFOOT: I think the largest one we
9 have is associated with the special use area for the
10 desert tortoise which is about that big right there.
11 Everything else pretty much is pockmarked.

12 Alternative 6, again, this was selected as the
13 preferred alternative, not only done in the Draft
14 Environmental Impact Statement, we thought it important
15 because of the comments we received. This was built
16 based on the comments received back in '08/'09. This
17 incorporates a lot of the things we already talked
18 about, an east-to-west maneuver of those three
19 battalion task force, acquisition of the South Study
20 Area, as well as the West Study Area, except for on
21 this one we cap it right at the power line and the
22 power line road. And we've incorporated the historic
23 King of the Hammers area as much as possible into a
24 restricted public access area. You can see the numbers
25 there, about 40,000 acres of restricted public access

1 area, and about 108,000 acres of what would be
2 exclusive military use area where we would put dud
3 ordnance, it would be hazard up there due to the
4 ordnance that we put up there.

5 So the concept is that for all year long this
6 would be exclusive military use. For about ten months
7 of the year, this area would be available for public
8 recreation as it currently exists today is the concept.
9 For about two months of the year we would use this
10 primarily for this exercise of moving that unit through
11 that area, and again in the restricted public access
12 area, these yellow hashmarks, we would not fire
13 dud-producing ordnance. And this green line represents
14 again anywhere between 1500 and 2500 Marines that would
15 be transiting through that area. We would create a few
16 objective areas in there they would use direct fire
17 weapons on. Those would be fairly well identified that
18 there could be physical hazards, meaning perhaps a
19 burrow in that area for trench line or something like
20 that.

21 COMMISSIONER WILLARD: So is that a guaranteed
22 will be open when the Marines aren't using it, or is
23 there some possibilities, well, maybe in the future.
24 What assurance would the public have that this will
25 remain open?

1 CHRIS PROUDFOOT: Of course, guarantee is never
2 out there; however, the procedures that we've listed in
3 my favorite 1500-page book plays out the measures taken
4 would to a high degree guarantee that ten months out of
5 the year that that should be available. Now, could
6 something out there, certainly. For example, there's
7 stuff out there now would be a hazard to almost anybody
8 from anything. However, the procedures we put in place
9 and the mitigation elements we put in place would
10 prevent most expected problems to arise in there that
11 would prevent the ten months out of the year.

12 COMMISSIONER WILLARD: What circumstances in the
13 future would cause the area to become closed? Just
14 give me an example.

15 CHRIS PROUDFOOT: That would be pure conjecture
16 literally. This is a legal document. In our mind once
17 this is put out, it would have to be an extreme case of
18 something happening there, I don't know, an airplane
19 crashes with biohazardous fuel, I don't know, something
20 very bizarre would have to happen there. The Marine
21 Corps would take mitigate-able actions to prevent
22 anything the Marine Corps did from this proposed action
23 creating a situation where that would be some sort of
24 longer-term restriction on the public having access to
25 it. I know I'm dancing around it. I just can't say

1 the word "guarantee" because there is no way to give
2 you that. But I think the procedures that are in
3 there, personally the one thing I've spent the most
4 time on is how do we address this restricted public
5 access area.

6 COMMISSIONER WILLARD: You can't use the word
7 "guarantee" but maybe you could say closure could only
8 happen in the event of a public safety hazard issue so
9 that the Marines can't decide three years from now, you
10 know what, we want this all to have ourselves, and it's
11 just too much of a hassle for letting the public use
12 this, so we're going to change this now. So I think
13 that's maybe the type of language that might be
14 comforting to some degree, which is if you could add
15 something that says: Only in the event of something
16 that would cause potential harm to the public's ongoing
17 use of it.

18 CHRIS PROUDFOOT: I think we tried to say that,
19 and one of the things I'm realizing is -- I did a lot
20 of writing on that myself -- is that we needed to make
21 it into civilian-ese, I guess. The language we used is
22 too Marine-like, and it's not clear. That was our
23 intent, to say something like that. And it's clear to
24 me based on the comments we're seeing that we've got to
25 do a better job in a clear and concise manner of saying

1 just what you said. I've got that on tape, so I can
2 use that language there.

3 Again, we think in our minds that this balances
4 the Marine Corps' requirement against the impacts to
5 not only the OHV community but to all the communities
6 that are out there. It balances the impact to the
7 environment. It balances the impact across the board
8 of all of the resource areas that we've studied in the
9 Draft Environmental Impact Statement, and that's why we
10 selected it as the preferred alternative for
11 consideration as we move forward.

12 Again, I just wanted to highlight a little bit
13 of the airspace. I know we're OHV oriented, but the
14 airspace is significant, as well. We all know that the
15 jet way that leads into LAX, San Diego, Orange County
16 runs right there along the northern edge of the Kern
17 base and right through the northern edge of the
18 proposed acquisition area. This in and of itself is a
19 significant coordination for us as we work with the FAA
20 as a cooperative partner in attempting to find a
21 balanced, tiered solution here, as well. But it's key
22 that we look at land acquisition and airspace
23 establishment above the airspace that Metcalf would not
24 train as it would fight.

25 This is just a very short summary of where we're

1 at in the process. Again, hopefully Friday we'll start
2 fully evaluating public comments, and we will spend
3 most of the first three weeks of June literally reading
4 every comment that we receive, categorizing it, and
5 then attempting to come up with solution sets that
6 address every one. In the Final Environment Impact
7 Statement, we will have an appendix that lists out all
8 of the comments, and we will respond to every comment.
9 That doesn't mean every comment we agree with. It just
10 means we will address every single comment that we
11 receive in that Final Environmental Impact Statement.

12 In a perfect world, we're done with the Final
13 Environmental Impact Statement in December, and we hope
14 to push this back up to the Secretary of Navy by April
15 to get him to decide on which alternative, if he
16 decides to forward an alternative up for legislative
17 action by the Congress and eventually signed into U.S.
18 law, if that's the direction that the Congress would
19 like to go.

20 You see some of the other pieces that go down
21 dependent on if there is a Record of Decision made next
22 year, all of these things have to still happen with a
23 goal out there that the earliest we could conceive of
24 conducting a training would be in the 2015 realm.

25 I would like at this stage just to say any of

1 these alternatives could still be chosen. The Marine
2 Corps has just selected Alternative 6 as what they
3 thought the best alternative was, that met the needs of
4 the requirements. And all of this does have to go to
5 Congress for their decision making. So I think that's
6 the beauty of the NEPA process is it provides ample
7 checks and balances for everybody to be heard whether
8 you be a private individual citizen up through
9 supporting an organization.

10 Again, just highlight again what Captain
11 Mannweiler talked about earlier, this is important to
12 the Marine Corps because this is about saving Marines'
13 lives that are going into combat. That's not going to
14 change. America is going to continue to send Marines
15 into harm's way. And based on what the current and
16 past administration have told us, we need to be
17 prepared to do Marine Expeditionary Brigade training,
18 and this is the way we're answering their question is
19 through this process and this project.

20 And with that, Mr. Lueder, I'll ask if there are
21 any other questions and turn it back over to the
22 Commission.

23 (End of slide presentation.)

24 CHAIR LUEDER: While the Commission has some
25 information on this, I believe there's members of the

1 audience that have quite a bit more information and a
2 lot of comments. And what I'd like to do is for the
3 Commission to hear the public testimony and then call
4 Chris back up so that the Commission can ask questions
5 once the public comment period has happened. So at
6 this point I'd like to start calling the public unless
7 anybody has any other comments on the Commission at
8 this time. I thought it was important to hear from the
9 public first. I thought they might bring out a couple
10 of things that we could later ask questions on.

11 DAVID AUBUCHON: My name is David Aubuchon. I
12 live in Landers. I've got two houses, two lots, one
13 for each one of my kids. I don't know much about this.
14 I just found out last month that it was happening.
15 And, of course, for me it's like really bad, you know.
16 That's the reason I moved there. So you know it
17 severely impacts me. So obviously I like the
18 Alternative 3 there, which I haven't even seen any of
19 those maps. Anyway, I'm going to get educated, and I
20 just wanted to say I'm against the western expansion
21 totally. And it seems like people pay a lot of money
22 for the green stickers and all of the time that they're
23 always closing down more areas, and I always thought
24 that Johnson Valley would be an open area. They're
25 always putting up new no trespassing signs everywhere.

1 One more thing, white water, I can't even stop at White
2 Water with my kids and go for a walk. It's like don't
3 even think about it. Anyway, thank you very much.

4 HARRY BAKER: Good afternoon, Commissioners.
5 I'm Harry Baker, Partners for Johnson Valley,
6 California Association of 4-Wheel Drive Clubs.

7 My biggest concerns are the western expansion of
8 the marine base. Do you realize that yesterday when
9 you were out there, 80 percent of the time that you
10 were out there, you were on the land that will be
11 closed by the Marines if they take the Alternative 6.
12 The only part that you were actually on that will not
13 be closed by the Marines is when you're coming up Esser
14 Line Road or all through Cougar Buttes. The area we
15 staged in the morning, that area would be under the
16 control of the Marines. That would be the joint-use
17 area. As I understand it from the Marine Corps and
18 from the draft EIS is that it would be a permit
19 process. You'd have to go to the Marine Corps and get
20 a permit to go into that land, even if it was open.
21 The Marines do keep saying about two months of the
22 year. "About two months" could be two, three, four
23 months. It's not precise. It "should be" or "could
24 be" available to us, so I have very, very big concerns
25 about what happens in Johnson Valley throughout the

1 area of shared use. The same with Alternatives, I
2 believe it was 4 and 5 where it shows all of Johnson
3 Valley being the shared use.

4 Once the Marines have taken it and it is
5 proposed to be under control of the Marine Corps, they
6 control it. And if you think we have problems now with
7 the SRP with the BLM, I think with the Department of
8 Defense, we would have any bigger problems with trying
9 to get permits to use that land out there. I'm very
10 concerned about that.

11 I also think when the Marines first started this
12 study eight years ago, when they made a predecisional
13 decision that they would not ask Congress to designate
14 any of the wilderness areas, it precluded them from
15 going east. If they would have asked for a
16 de-designation of the wilderness part of the Central
17 Mountain Wilderness Area, it could have very easily
18 went east, had very little impact on the Catellus lands
19 which they seem to be concerned about, and they could
20 have mitigated for crossing Amboy Road. And no big
21 deal going east if they would have de-designated that
22 area. They chose not to even ask to do that. That was
23 predecisional long before they ever got involved in
24 doing the expansion.

25 When they first came out, their first course of

1 action was to take Johnson Valley 100 percent. It
2 wasn't until the partnership got involved in it and
3 other off-road community members got involved in that
4 they didn't do the studies to the east and the south.
5 So although there was maps out showing they were
6 studying, the only emphasis they had was Johnson
7 Valley. And it was considered an open area. They went
8 to the BLM, what's the usage out there. BLM did not
9 even have usage numbers out there. They had usage
10 numbers for the permitted events that are out in
11 Johnson Valley, but not for the unpermitted. I can
12 take ten people out there on just a whim, go out there
13 just for a weekend, I'm not counted, those ten,
14 whoever's in those vehicles, they're not counted. I
15 have five people in a poker run, for example, I have to
16 get a permit, then they're counted. But it's all those
17 people. And I would like you to come out next Saturday
18 or Sunday and see the number of people in Johnson
19 Valley or be out there for the King of the Hammers Race
20 where there is 20,000 people out there. Those are the
21 people who are out there for that day, but they're also
22 out there the rest of the year practicing on what they
23 can do with their vehicles to get you guys through
24 Chocolate Thunder and stuff like that. So I think it's
25 very critical that the Marines are encouraged to go

1 east. Thank you.

2 BRANDON LINE: Good afternoon, thank you. I'm
3 just here in front of all of you basically to
4 reemphasize what he just said. We're definitely
5 against the Marines expanding westward into the Johnson
6 Valley area. Even by their own draft EIS, their
7 preferred Alternative No. 6 appears to have the most
8 impact on the desert tortoise. Their estimates are 154
9 to 714, whereas Alternative No. 3 going east, their
10 estimates are from 36 to 535. Alternative No. 6 is
11 actually the least impacts to the desert tortoise
12 population, where No. 3 is the second to the highest.

13 As far as they had mentioned culturally-
14 sensitive areas that are preserved within the
15 Twentynine Palms, if it's culturally sensitive and it's
16 preserved it's not accessible to any of us, it's not
17 really doing anybody any good.

18 And on the other side of things, I guess is the
19 economic stuff. The amount of money that we spend
20 driving to Lucerne Valley and the money we spend when
21 we're there for the weekend, I know I'm not a rich guy
22 at all and we average between \$100 and \$200 every time
23 we go out there. We're there several weekends a year,
24 and I know there are thousands of more people just like
25 us. So the local economy is going to get hurt bad from

1 this.

2 And so I think between the economical stuff and
3 the environmental issues, I think both of those
4 together makes me want to lean towards Alternative
5 No. 3 and no westward expansion.

6 WILLIAM KASSLER: I'm Bill Kassler with Tierra
7 Del Sol 4-Wheel Drive Club of San Diego. We're opposed
8 to closing Johnson Valley. If it's closed, we would
9 ask that Congress provide mitigation land with the same
10 type of terrain in the same area. We've got a couple
11 of other points I'd like to go over real quick.

12 We support the legislation that Eric Lueder
13 spoke of this morning. I'm sorry if I'm going off
14 track here. This is my moment to speak here.

15 We'd like to ask that the OHV Division take
16 ownership of State Parks that are scheduled for closure
17 where off-highway recreation is occurring or could
18 occur, including Red Rock, Anza Borrego, Tolowa Dunes,
19 and Henry Coe. We would support the idea of the OHVM
20 Division and State Parks being separate.

21 I'd like to also take this moment to thank the
22 OHVM Division, Kathy Dolinar, and the Commissioners for
23 allowing us to partner with us to create the
24 four-by-four training facility in Ocotillo Wells.

25 And one last thing, I'd like to support the idea

1 that Daphne Greene replaces Ruth Coleman.

2 DOUG WHYTE: Doug Whyte, I'm the Vice-President
3 of San Diego Off-Road Coalition, and I do support the
4 legislation that Eric had brought up with nonprofits
5 operating the closed or to-be-closed OHV sites.

6 JUSTIN ASHLEY: Justin Ashley, President of San
7 Diego Off-Road Coalition. We definitely oppose the
8 closure of Johnson Valley. I hear a lot of the impact
9 of how the town will have, discouraged in income not
10 coming in anymore. My concern is what happens
11 southernwise where we help participate a lot in, what
12 impacts are being looked at as far as the OHV parks
13 down there as far as management. If all of a sudden a
14 huge portion of land gets closed down up there, how are
15 all of those people going to come down and yet how is
16 the management of the lower parts going to be done
17 pertaining to moneywise and everything else is my
18 concerns.

19 FRED WILEY: Good afternoon, my name is Fred
20 Wiley. I'm the President and CEO of the Off-Road
21 Business Association. You're being given comments from
22 the Off-Road Business Association about Johnson Valley
23 and also comments from our legal group, Ecologic
24 Partners, supplying comments to the Commission,
25 Division today, as well as the Marine Corps today and

1 tomorrow.

2 At this point in time we cannot support the
3 Marine Corps taking Johnson Valley in any way. We have
4 looked at the economic impact to the industry alone,
5 and we believe that we're looking at a \$1.5 to
6 \$2 billion impact on the industry in Southern
7 California just from product and services and ability
8 to sponsor events and have people out on the ground in
9 Johnson Valley. This is the largest OHV area in the
10 continental United States that's opened for all of
11 these things.

12 It's important to also note that we support the
13 military's ability to train properly and protect our
14 country, but there has to be a balanced reach. And
15 we're not sure that the documents that have been
16 finished in the current DEIS address all of those
17 issues. We would like to see a much more in-depth
18 review or have them go back to the drawing table, and
19 look at these things in a much more proactive approach
20 to managing this valley along with the Marine Corps.
21 Thank you.

22 STEVE KUEHL: Hello, my name is Steve Kuehl.
23 I'm representing the Partnership for Johnson Valley.
24 I'm going to go about this a little bit different way.
25 I've read this DEIS pretty thoroughly, not all of this

1 but most of it. And for a number of reasons, the
2 Partnership and other groups have asked for a 60-day
3 extension of time to be able to submit our comments.
4 There's several reasons. It's a very complex, very
5 difficult document to get through. It's very
6 disjointed. In my 35 years of reviewing these things,
7 it is probably the worst put together document I have
8 ever read. It's very hard to be able to come up with
9 the conclusions that the Marine Corps are putting
10 together because it's so disjointed.

11 But from a legal perspective, they've got a big
12 problem in this DEIS. In the draft part of the DEIS,
13 they talk about having a notice of availability of the
14 document in the Federal Register, and they say in there
15 that this notice indicates locations, public libraries
16 where the draft EIS can be reviewed, duration of the
17 public review, the comment period, the address where
18 the comments can be sent, and the time and location of
19 public meetings. If you go to the February 25th notice
20 of intent, Federal Register notice, that's not there.
21 NEPA requires that.

22 Also, they had an amended Federal Register
23 notice that they published on May 13, and it didn't
24 contain any information that is required by NEPA.
25 Also, in February 25th Federal Register notice, they

1 gave an incorrect date of when these comments were to
2 be due. They said it was supposed to be April 11th.
3 Well, I'll be darned but on the 13th of May they put a
4 corrected notice in and they said we're just going to
5 give you some more time. That wasn't the intent. They
6 caught their mistake, and now they are trying to cover
7 up what's going on.

8 All we're asking for in this whole situation is
9 an extension of time so that we can properly review the
10 document. They also neglected in almost all of their
11 documents to the public on the website, the tri-fold
12 brochure that's in the back here, to even give the
13 correct address to be able to send the comments. So
14 most of these comments have been sent to Twentynine
15 Palms, and they're supposed to go to San Diego.

16 NEPA requires and encourages public comment.
17 We're asking for a little more time. They've had two
18 years to put this thing together. Why can't we have an
19 extra 60 days or reset this clock from where they've
20 made their mistakes, because from a legal perspective
21 if they were to go forward with the DEIS, they're not
22 in compliance with NEPA. It would create the lawsuit.
23 The lawsuit would go on, and the next thing that
24 happens is the taxpayer is saddled with this huge legal
25 burden. And if indeed the groups that would sue would

1 come in, they could request and receive compensation
2 under, I believe, it's the Equal Opportunity and
3 Justice Act. And this is what is very costly. I would
4 say that we'd probably spend a half million dollars
5 being able to bring this back to square one.

6 We're just asking right now before we spend that
7 money, why don't we just back up a little bit, let us
8 look this thing over a little bit more, do a better
9 job. All of the documents that is out there today
10 shows what I've provided, and I didn't bring a DEIS
11 with me, but everything that I've said is there, and
12 it's true. So that's the end of my comments. I'm
13 asking that the Commission consider asking for that
14 60-day extension of time. Thank you very much.

15 AMY GRANAT: Good afternoon, Amy Granat for the
16 California Off-Road Vehicle Association. Hope everyone
17 had a good lunch.

18 Mr. Proudfoot, it's a pleasure to see you in
19 person. I've spoken to you on the phone. There were
20 very few magical places that are left in the west for
21 off-road recreation where we're allowed to enjoy
22 ourselves. Many people value Yosemite and the Grand
23 Canyon and look at them as irreplaceable. That's how
24 the off-road community looks at the Hammers or looks at
25 the ability that we have in Johnson Valley. There

1 simply is no opportunity anywhere else that's like it.
2 No one can doubt our allegiance and dedication to
3 keeping this open, but that does not mean to be
4 interpreted as not supporting the Marines who fight so
5 bravely for our country.

6 In questioning the aspect of the aspects of the
7 Draft Environmental Impact Statement, we are not
8 questioning the right of the Marines to train or how
9 they train. That is not ours to evaluate. What we do
10 need to evaluate however is, is this a good document?
11 Does the DEIS comply with NEPA? Is everything in there
12 that needs to be in there? And that's where the
13 Marines have fallen short. I have no question that
14 they believe this area is a necessity to prepare for
15 the preparations for the future. The question I have
16 is why didn't they put that in writing more succinctly.

17 The document falls short on a number of areas,
18 but one of the most important areas is the ability of
19 the public to comment. On all of the material that was
20 given out to the public, on the vast majority of
21 material on the website, the wrong address is on there
22 to submit comments. I've pointed this out to
23 Mr. Proudfoot. He knows about it since last week when
24 it became clear to me. To me, is it illegal, does it
25 violate NEPA? I believe it does. But more than that,

1 I believe it's disingenuous to the public to do that.
2 It's listed contact info and there is the address in
3 Twentynine Palms. If I was average citizen wanting to
4 comment on this document, and I saw that address
5 listed, I would send my comment there. I don't know
6 how many comments were sent there. Neither do the
7 Marines, at least as far as I've heard. It is
8 subverting the public process.

9 So all we're asking for on behalf of the
10 community is 60 more days to get the news out there to
11 the public and say look, if you sent your comments to
12 the wrong place, this is the correct address. At least
13 forward them again or send them again to make sure your
14 comments get counted. I don't believe it's too much to
15 ask for because in the scheme of things, the Marines
16 intend to have this area for a very long time, 60 days
17 is not going to make a big difference in the time of
18 this process.

19 So I'm asking the Commission to support our
20 request, another 60 days to do the right job and get
21 the right information out. There was a person who was
22 looking to write in the newspaper about it, and the
23 only place that he found the correct address was on
24 Pirate4X4. That's not how it's supposed to work.
25 Pirate is a great website, but the Marines are required

1 to give that to the public, not a pirate. Thank you.

2 JIM WOODS: Good afternoon, my name is Jim
3 Woods. I'm the President of California Off-Road
4 Vehicle Association, also I'm representing District 37
5 Dual Sport Organization. Between the two, we represent
6 approximately six to seven thousand people and family
7 members.

8 First of all, we need a proof of need. It's not
9 adequate. Most of the lives lost in Afghanistan are on
10 roadside bombs. Military successfully attacked
11 Afghanistan and did a stellar job. Why are they
12 removing the freedoms they're fighting for from us, the
13 American citizens?

14 Combined-use area, they don't play well with
15 each other. I know for a fact asking Fort Irwin to run
16 a 300-rider dual sport ride through an area that was
17 taken from us, at the last meeting it was refused by
18 the commander in Chief, the guy on top, what about if
19 there is a bullet that one of their ignitions set off,
20 we can't do it. As soon as a child finds a bullet and
21 takes to anybody -- and I'll guarantee they're going to
22 find them -- that area that's multi use, it's done.

23 Disruption to the local community, it's bad
24 enough when little Johnny in class and watches that jet
25 go by. How much closer are they going to be now? What

1 will happen to the education and to the quality of life
2 of the citizen in that area? By putting the military
3 in there, we're removing 60 years of rich cultural
4 heritage. AMA, off-road buggies, Jeeps, motorcycles,
5 what happened to that? Where is that taken in. Are
6 they giving us new land to go recreate on? No, they're
7 not. They're removing land from us and giving as an
8 empty promise that they admit they cannot guarantee
9 that we will be allowed. How will they control the
10 people when they are in the military, doing their
11 military? Even worse how are they going to control
12 that area when they are not there? Do we have to go to
13 Twentynine Palms, take a test to come back? That's not
14 going to work. They can't control people going into
15 their range now, so we're just asking for more danger.

16 I would ask that there is another alternative.
17 It's called a no action alternative until point one, a
18 proof of need is really proven to us with proper DEIS.
19 And I also agree completely and would like it admitted
20 in that we have asked formally for an extension. So
21 it's been two years. They admitted earlier, this
22 started in 2002. That's a little further than two
23 years ago. And for us to think that they weren't
24 looking at areas that did not need exemption for
25 destruction because it was an open riding area, we're

1 kidding ourselves. They knew what they wanted.
2 They're taking our area, and we, as the public, deserve
3 our public land for recreation responsibly. Thank you.

4 MARTIN STIASINY: Good afternoon, my name is
5 Martin Stiasiny. I think Amy said it best when she
6 said Johnson Valley is our Yosemite. I would just like
7 to stress that Johnson Valley is truly unique. It's
8 the largest off-road area anywhere. It also has
9 tremendous rider training, but the other thing that
10 makes it especially unusual is its proximity to the
11 enormous population centers of Los Angeles and
12 San Diego. It really is a resource for a large number
13 of people.

14 I'd also like to say that, as you heard today,
15 they said plan six best meets the needs of the Marines
16 and off-roaders. I would just like to flatly refute
17 that. Alternative 6 does not meet any of our needs at
18 all. It's wholly unacceptable. We're permanently
19 losing two-thirds of Johnson Valley. And even if we
20 take the Marines at their word about the restricted
21 public access, that still only leaves one-third of it.

22 So I would, as a predicted option three is
23 really the only one that is at all acceptable to the
24 off-road community. Alternatives 4 and 5 might be
25 acceptable if we could actually get some mandate that

1 said, yes, this will be accessible for ten months of
2 the year regardless of what's going on there. And if
3 there's problems with ordnance and whatever, they will
4 go and clean it up as opposed to not letting us ride
5 there. That is the only way those alternatives would
6 be acceptable to the off-road community.

7 I also feel like there is a little bit of a
8 values war going on here. Every time I go out to a
9 riding area, something has happened, we need to build a
10 wind farm here, we need to put a transmission line
11 here, we need to close this for environmental reasons.
12 And off-roaders seem to be lowest on the totem pole
13 because we're just recreating. We need this. For a
14 lot of us, this is why we go to work every day and earn
15 our paychecks. So our recreational needs are valid
16 needs, also. So I hope that they're considered. And
17 that when we're done here, I hope that Alternative 6 is
18 not chosen, obviously. Alternative 3 is the best for
19 the off-roaders. Thank you.

20 JOHN STEWART: Good afternoon, Commissioners,
21 John Stewart, California Association of 4-Wheel Drive
22 Clubs. Beginning with the request for segregation and
23 through the scoping period and even into this DEIS
24 period, I have been asking and stressing the need for a
25 clear, articulate and concise purpose and need. They

1 still have failed to identify a valid purpose and need.
2 And much talk has been put forward about NEPA and
3 following NEPA.

4 Well, NEPA does require one thing that has not
5 been mentioned, which is reasonable alternatives.
6 Within this structure of this DEIS that's being forced
7 upon us, there has been a predetermined conclusion that
8 Twentynine Palms and Johnson Valley are the only places
9 the Marines can accomplish this type training. Yes,
10 they have cited naval studies or analysis that rule out
11 everything else, but reasonable alternatives in reality
12 would have daylighted what those other alternatives are
13 and why they do not fit the MEB training requirement.

14 I would suggest that there are reasonable
15 alternatives to look at, and there are other reasonable
16 alternatives where the Marines and the Army have
17 already contaminated the desert with live ordnance.
18 Let them go back and clean up the ordnance where they
19 have contaminated the desert from way back to
20 World War II time with General Patton.

21 And, finally, when you look at the entire scope
22 of this DEIS, one of the main aspects missing is
23 mitigation for the displacement of the recreation. In
24 other words, sure, they'll take it for maybe about
25 two months a year, big question mark. But when they

1 close it off for those two months of the year, where
2 are the people going to go? That is an impact that the
3 Marines have not looked at or addressed within this
4 EIS, and it is a direct impact on not only what will
5 happen to the loss of revenue within Johnson Valley,
6 but what will happen to the impact in other
7 recreational areas when the users are displaced.

8 They urge the Marines to scrap the entire DEIS,
9 look at the no action alternative, and say that's what
10 we'll go for and go back to the drawing board and
11 create some reasonable alternatives to move forward
12 with their training.

13 KAREN SANDERS: Karen Sanders, Friends of
14 Jawbone and Friends of El Mirage. I actually have two
15 things I'd like to speak to. One is in the preparation
16 for Alternative 3, this is the one I believe where
17 there is the gas lines and the road and all of that,
18 and I have to agree with Paul Slavik, that should the
19 Marines choose Alternative 3, that that could be
20 mitigated by preparing those areas ahead of time,
21 rather than repairing them after that activity has
22 already taken place.

23 And the second thing is that should Johnson
24 Valley be taken into this land grab that Jawbone/Dove
25 Springs and El Mirage would not be able to handle the

1 numbers of people that would come to those areas. We
2 do have a large area of land in Jawbone/Dove Springs,
3 about 220,000 acres, but the terrain is very different.
4 We don't have the rock crawling capability at Jawbone
5 like they do in Johnson Valley and certainly not at
6 El Mirage. Thank you.

7 ED WALDHEIM: Ed Waldheim, CTUC, Army, with
8 pride. Folks, Fort Irwin has 1,000 square miles since
9 1940. They added another big chunk of land that they
10 took away from us, which we lost our Barstow Vegas
11 start. Twentynine Palms only has 932 square miles of
12 596,000 acres. The Marines can go and train in
13 Fort Irwin without any problem whatsoever. It makes
14 absolutely no sense for them going west to take Johnson
15 Valley.

16 When we toured yesterday, I realized the
17 enormity of it that here we go across the world trying
18 to save liberty and freedom for citizens who are under
19 dictatorship. And under my own shoes, land is being
20 taken away from me from the very same people going
21 across the world to bring freedom. My freedom is
22 completely trampled over by the Marines or military in
23 this particular exercise. It makes absolutely no sense
24 whatsoever. The pursuit of happiness and freedom, it's
25 just down the drain. It doesn't mean anything. Why?

1 When I first met with Patrick, I spent the whole
2 day with him at the urging of Mike Poole, and the
3 commandant of the Marines in Congressman Duncan
4 Hunter's office, he told me and Dick Christianson in my
5 face, "We want to be good neighbors with you." But
6 somehow -- he retired, he's gone and went to another
7 duty -- it didn't trickle down. And I mentioned that
8 to Patrick. How many of you have met the commandant of
9 the United States Marines, how many in this room? Have
10 you?

11 CAPT. NICK MANNWEILER: Yes, sir, I have,
12 General Amos and General Conway.

13 ED WALDHEIM: Good for you, you met him, too.

14 He told me that, and a Marine is a man of word,
15 and I took him at that. I made it very clear with
16 Patrick. He assured me that they would do that. But
17 the whole focus of Johnson Valley and that whole
18 community over there is completely being ignored. Our
19 freedoms are being completely taken away.

20 Let's go to the financial side of it. Kevin
21 McCarthy put out a report saying we have two choices
22 for our futures in America. We have \$3.5 trillion of
23 expenditures, \$1.2 trillion in the military
24 expenditures. There is nothing in this DEIS that tells
25 me how are they going to pay for this thing. How are

1 we going to cut our budget so we don't have foreign
2 countries taking over America. They just keep on
3 adding, and adding, and adding.

4 The military needs to start thinking smarter and
5 save money, as does the rest of the government. You
6 all know what government is doing. Look how they're
7 stealing from us blind here in Sacramento, just blindly
8 stealing, don't even apologize for it. And here now
9 they're going to come and the military, their own
10 people who are supposed to help and defend us and
11 provide us our freedom are coming and stomping on my
12 freedom now. Why? It makes absolutely no sense.

13 Look at those charts. Do you see a no
14 alternative anywhere in those charts? Not one, one,
15 two, three, four, five, six. Where is the no
16 alternative? I found it in the book, but I've never
17 seen it on any of the charts. They don't even think
18 about that. It's a given. I'm going to do Johnson
19 Valley. Now, Joe gave us the rest of the areas to
20 look. He agreed with us, partnership with Harry Baker
21 and I, he said, okay, Ed, I'll pull away my withdrawal
22 and we'll do a whole section. I said, fantastic, we're
23 getting someplace. It never dreamed on me that he
24 would just stay on course and just use it as a sideshow
25 for me to be happy that I got him to look at everything

1 else around the area. But we cannot let them take
2 Johnson Valley, period.

3 TOM TAMMONE: Thanks, Ed. Tom Tammone. First
4 of all, I've known Steve from CTUC for seven years. I
5 have about nine years of archives on my website
6 flightbike.org of Commission meetings. You won't find
7 his name on there. When he's here, we mean business.
8 You will be sued if you don't bring this document
9 within compliance. That's not a threat. It's just a
10 matter of history and the way he's always operated.

11 EIS, I've been on the Division over this on the
12 grants, get a single point of contact where we can all
13 look for the grants and not have to go digging all over
14 the world for it. Well, that's why we have the Federal
15 Registry. That's always been the single point of
16 contact for federal issues, especially under
17 fundamental items. He didn't future there.
18 Historically, the courts have looked at that and said
19 it didn't happen. As Ed Waldheim pointed out, at the
20 last three sets of meetings there was no no action
21 alternative presented to the public. Those three
22 meetings should be held over again.

23 And as somebody has put it earlier, I've been
24 around Marine bases for most of my life, I am very
25 disappointed that the Marines have completely abandoned

1 their good neighbor approach towards mitigating issue.
2 They offered no mitigation. They said it's not their
3 responsibility. This proposal six, taking Rock Pile
4 out of the picture, is basically going to shut down
5 racing, and they're all going to probably go to some
6 other place either Mexico or out of state, Nevada.
7 Well, you figure out how much impact it's going to cost
8 for all of these people to go out of state with their
9 three-axle trailers, and with their big rigs telling
10 them to race elsewhere because they're not going to be
11 able to use Johnson Valley anymore. That is not
12 considered at all in the DEIS, nor the extra fuel costs
13 of all of these aircraft having to travel around the
14 united restricted area. I haven't been able to find
15 that in the DEIS. Every year we're always threatening
16 with losing our federal highway tax funds because we
17 can't meet, as a state, emission requirements. Now
18 you're going to throw us over that, and we're basically
19 going to lose our roads in this state because of this.
20 So you figure out the impacts to the environment of all
21 of the erosion from all of these highways that aren't
22 going to get serviced in this state. So all I can say
23 is no action.

24 I'm at a disadvantage, but I think that you can
25 reroute these routes to train three of these units

1 within the boundaries that already exist. And I'm not
2 allowed to go there. When I was taking flight lessons,
3 I was basically told not even to waste your time asking
4 permission to transition to R2501, it won't happen. I
5 can't walk there. I can't see it. But I'm certain
6 that you can work this out within your own boundaries
7 that already exist and not even to do that. By the way
8 the whole process is handled, I'm very disappointed in
9 the Marine Corps, and all I can say is start over again
10 on the DEIS. The whole Environmental Impact Statement
11 needs to be done over. And all I can say until I see
12 something better is no action. Thank you.

13 NICK HARIS: Good afternoon, Commissioners,
14 Deputy Director Greene, congratulations on your
15 chairmanship, Mr. Lueder. We have finalized our
16 comments and submitted them. We've put out a number of
17 alerts on this issue. I've been to the public meeting
18 in Ontario. It seems like it's been going on for a
19 while. And as you've already heard from the public, we
20 have mixed feelings on this. We support the Marines.
21 There are a ton of veterans in this room. It's one of
22 those things where we really want to support our
23 military. I don't think anybody questions the value
24 and incredible honor that they serve with.

25 However, when we look at this EIS, it's missing

1 so many components. The economic impact is lacking.
2 The sound study is basically a description of how to
3 measure sound. There's basically nothing in there to
4 describe to you what the sound from this project would
5 actually be. At the Ontario meeting we had a number of
6 discussions with biologists, and a lot of times the
7 answer was, well, we are going to figure that out.
8 That's not how a DEIS works. So we brought that up
9 regularly.

10 As far as the idea of going to Fort Irwin or
11 China Lake, I know a lot of folks have commented that
12 that was brought up at a public meeting, and they were
13 told, the Marines don't play well with others. That's
14 just not an acceptable answer. If there is land
15 available that we are not already recreating on that
16 can meet that need, I think that has to be revisited
17 and has to be considered.

18 Frankly, the only alternative we've supported so
19 far is the no action alternative. And it was basically
20 not presented at the public meeting that I attended.
21 My comments definitely support that idea. We were all
22 out there yesterday. We saw. It's an amazing area.
23 It's something that all of our folks, District 37,
24 42 events a year, half of which happens in Johnson
25 Valley. If you look at any of these alternatives, even

1 the ones where you have these larger areas that are
2 left, they don't connect. A number of events we
3 currently hold, couldn't be even be held in those areas
4 because it's just not big enough. There is no way to
5 get from one to the other. It just goes on and on and
6 on. Frankly, right now we would ask that the Marines
7 withdraw the DEIS, and we support the no action
8 alternative. Thank you for weighing in on this
9 important issue.

10 MARK SHERMAN: You know, I've lived out there in
11 Landers for over 25 years, and I've seen a bunch of
12 stuff go on and know that people that need to have
13 something to do to get out of their hole in the ground
14 once in a while. And, of course, it's kind of scary
15 being up here for the first time, so I need to catch my
16 breath. But it seems to me that the Marines need
17 another place to go, they ought to go someplace where
18 it's not going to hurt anybody else around here, by
19 giving up lands for the animals, people. If I were in
20 charge of the military, I'd have them do something good
21 besides -- I don't know, takes one person to pull a
22 trigger. The trigger isn't going to pull itself. And
23 to begin with, I think that, you know, love, even
24 though you probably don't know what that means, means a
25 big deal. And the Marines, if they want to do

1 something good, why don't they go to South America and
2 straighten that country out? I mean they get all of
3 the good stuff, and I'm just a mechanic once in a
4 while, and I try to figure out things. You know,
5 there's positives and negatives. My family history
6 goes way back, and you would think by now people would
7 learn how to get along with each other. So I don't
8 know why they need all of this extra land. They have
9 60 percent of their property right now we don't use.
10 And I mean like I said before, how many fingers does it
11 take to pull a trigger. And if you ever killed
12 somebody, that would be f....d (Expletive deleted)
13 because you would have to live with yourself for the
14 rest of your life knowing that you did that, and that's
15 very difficult to do, and you just can't forget.

16 ANDREW MANN: There is really only one point
17 that hasn't been brought up yet. I'm sure you guys all
18 heard about the MDR California 200 accident that
19 happened at Rock Pile which is in Lucerne Valley.
20 Basically any of the suggested alternatives take Rock
21 Pile permanently, other than number three or no
22 alternative. Rock Pile means a significant amount to
23 many people that lost loved ones there and just want to
24 go back to go see a memorial, we'd have one that we'd
25 like to place there but hasn't happened yet. So I'd

1 like that to be taken into consideration.

2 HELEN BAKER: Helen Baker, I'm a member of the
3 Johnson Valley Improvement Association. All of you
4 that were out there yesterday met a lot of people. You
5 met people who live in the area. You met people who
6 recreate in the area. You met two people that are from
7 nonprofit service organizations that help people out
8 there when they need help. And that doesn't mean if
9 they fall off their bike or stub their toe. That means
10 if anybody has an accident on the highway, they are
11 still there to help. If Johnson Valley closes, those
12 people won't be there. Residents moved there because
13 of the recreation that was in the area. They deserve
14 to be able to live their lives with that same
15 expectation.

16 Talking about the sound study, the seismic
17 studies related to this, right now the ordinance that
18 goes off in the base equates to a little bit over a
19 four point earthquake on the Richter scale for the
20 residents that are there today. Moving the base to
21 within a couple of miles of their house, you can just
22 imagine what that will do. There's absolutely nothing
23 in the DEIS that speaks to the mitigation of what is
24 going to happen to the residents.

25 Numbers, we had 20,000 people out there in

1 February for King of the Hammers. Those of you that
2 were lucky enough to ride in some of those cars
3 yesterday know what that's all about. 140, that's a
4 number that equates to the number of permits that
5 Camera King Productions partnered with the State of
6 California, the OHV Division, to issue permits during
7 that event for people that came from out of state and
8 brought vehicles that weren't plated. To be able to
9 ride in our areas, they need to have an OHV permit. We
10 partnered with the State of California to provide that.
11 140 people who didn't get tickets from the BLM because
12 the State of California, OHV Division partnered with us
13 on that. 11,000, that was the amount of money that was
14 donated by people that were on the lakebed during King
15 of the Hammers, and that money was donated for one
16 reason, to save Johnson Valley. 20,800, the number of
17 letters that are being delivered as we speak to the
18 correct address in San Diego. What you saw here were
19 nine postal trays. Each postal tray contains 832
20 letters. There were a total of 25 postal trays that
21 were delivered. We could have brought them all in the
22 room, it would have been very impressive. We hope you
23 were impressed by the 900 that you saw here.

24 Yesterday you spent time in Lucerne Valley. You
25 partook in a meal from one of their restaurants. You

1 met some of the people that live in the area. You have
2 an economic study in front of you that was provided by
3 the Lucerne Valley Store. You met a co-owner of the
4 store. And on the trip yesterday, the other co-owner
5 was there. I would like to say that what you saw when
6 you met Ernie Dommel was a dead man walking. Lucerne
7 Valley will die if the Johnson OHV area is closed to
8 recreation, closed to filming, closed to visiting, that
9 town will die. So think of that, please. When you're
10 considering what the Commission wants to do, remember
11 Ernie Dommel, dead man walking.

12 DREW ASHBY: Hello, thank you for listening to
13 our comments today. I was actually out with the
14 Commission on the tour of Johnson Valley yesterday.
15 I've been to Johnson Valley as far as the west end many
16 times, raced there since I was old enough to drive;
17 hadn't really been to the east side. That was my first
18 time out there with many of you. I'm primarily a
19 motorcycle rider. I've been riding motorcycles since I
20 had training wheels on when I was about four.

21 There's a big safety issue as far as the kids
22 when you think about closing Johnson Valley because it
23 makes people have to go and crowd into smaller areas.
24 The reason why I say there's a safety issue, children
25 start out on ATVs and motorcycles and go out with their

1 families. That's their first exposure to motorized
2 recreation. Being that this is their first exposure to
3 motorized recreation, that's how they learn to drive a
4 car. Every one of them learns to drive a car to be out
5 on the road when they're 16 and over. Having kids with
6 their families crowded into smaller areas, having this
7 larger area closed, is, I feel, a detriment to their
8 safety.

9 Also, it has an impact on the surrounding
10 off-highway vehicle areas. The San Bernardino National
11 Forest, I recreate up there quite a bit. I could only
12 imagine the larger number of people that won't be able
13 to go to Johnson Valley will really have an adverse
14 effect on that area up there. Also, worked with a
15 number of volunteers in the San Bernardino National
16 Forest, and we number about 250 or 300 people, and I
17 don't think we have enough or could possibly have
18 enough manpower to meet the needs that would be brought
19 about with a larger amount of people coming up to the
20 forest and other areas. I guess that's it. Thank you.

21 CHUCK ROONEY: My name is Chuck Rooney, and I'm
22 an off-roader. I've agreed to 90 percent of what's
23 been said here today, but a lot of people they haven't
24 covered the exact uses of Johnson Valley. They've
25 taken off-rovers and made them villains in this thing.

1 It's used for hang gliders, club meetings, it's used
2 for Boy Scout camporees. They shoot a lot of movies
3 out there, rock climbers, and list goes on and on and
4 on. It's not just the off-roaders who get hurt by this
5 process.

6 Then when it comes to the economy, I'm not an
7 expert, but when the Hammers are closing down, I was
8 sitting in the first gas station south toward Yucca
9 Valley waiting for a friend and he was a little late.
10 In the hour that I was sitting there, that man sold
11 over \$5,000 worth of gasoline. There was motor home
12 after motor home lined up over in there walking in and
13 placing \$200 on the counter saying, that's on pump
14 three, next guy puts \$200 down, that's on pump four.
15 It's just going to destroy the economy in those little
16 towns out there if they let this plan go through.

17 In my opinion they're making too much of a land
18 use issue out of this. It's not a people use issue.
19 You're affecting people, thousands of people if they go
20 to the west. I think they should do some studies on
21 the cost of their maneuvers. If they're starting to
22 the east from on the base, they've got a lot less area
23 to cover to get the thing starting than going west.
24 Thank you. That's my comment.

25 RON MATTHEWS: Ron Matthews, thank you all for

1 the work you're doing. I would like to apologize to
2 you ladies for that man that had the toilet mouth.

3 The environmental impact it's going to have on
4 this area if the Marines come is going to be terrible.
5 With that said, the economic impact, you're looking at
6 in excess of 100,000 jobs lost just in California if
7 you start looking at all of the motorcycle people, the
8 motorcycle clubs, they go to the motorcycle stores, the
9 off-road stores. Most of them carry between 40 to 100
10 employees. This goes away, we go away. That's
11 financial impact. I don't know where we would go from
12 there.

13 Also, I've been told by the BLM, if we lose
14 Johnson Valley, that means everybody has got to
15 transfer to Barstow. And we've been told by Roxie, and
16 I respect her dearly, there will be no more car and
17 truck racing allowed in the area, period, because there
18 would be too many people impacted in one area. That I
19 know would be true, and it would be safe on her part.
20 I'm one of them nuts that will get in a car and have
21 been clocked at 132 miles an hour across the desert.
22 That would be too many people out in that area.
23 Anybody wants to go for a ride, I'll take you any time
24 you want to go. You're more than welcome to go in a
25 race if you've got the cahones. But it's going to take

1 an impact on the economy like you cannot believe.

2 With that said, the land between Camp Rock Road
3 and Highway 247, which Roxie has told me is sort of an
4 animal boundary, I guess, a wildlife boundary.

5 Somebody needs to be able to give that up. If the
6 Marines are going to take what they want, we need to be
7 given this. Roxie tells me it takes a federal
8 regulation, I guess it is. That would be like pulling
9 teeth. She said that's not going to happen either.
10 You've got to give to take. You can't just take. I
11 would like to also see Johnson Valley set by our
12 government in perpetuity where nobody can touch this
13 land but us. That is our land. Thank you.

14 CHAIR LUEDER: We're going to take a break.
15 (Returned at 3:15 from break commencing at 3:00.)

16 CHAIR LUEDER: We're going to resume discussion
17 with the Commission, and we may have some questions.
18 In fact, I'm sure we're going to have some questions
19 for Mr. Proudfoot. Who would like to speak?

20 COMMISSIONER WILLARD: I'll start off by asking
21 for a 60-day extension to the draft EIS comments; is
22 that possible?

23 CHRIS PROUDFOOT: We've looked at that in
24 detail, and the Marine Corps at this point is not
25 disposed to extend the public comment period.

1 COMMISSIONER WILLARD: Why is that?

2 CHRIS PROUDFOOT: Largely it's been a 90-day
3 public comment period. The normal is 45. We have
4 received a staggering number of comments directly in
5 where it needed to go. We've hosted three public
6 meetings. We've been out to groups and councils and
7 commissions, just like this one, multiple times. We've
8 been out in the community. We've done the newspapers.
9 The media has done a very good job of getting it out.
10 We feel we've done a very adequate job, more than
11 adequate job providing opportunity for the public to
12 comment on this particular project.

13 COMMISSIONER WILLARD: This is the first time
14 this Commission has heard on this topic, and we may
15 want to take action depending on what my colleagues and
16 I decide to do, but we may want to submit comments.
17 The official public comment period is up in just two
18 days. In the past some agencies have given the
19 Commission a little bit of leeway and time because we
20 only meet at certain dates, four times a year. Could
21 the Commission have a little bit of extra time to get
22 in our comments?

23 CHRIS PROUDFOOT: We would certainly take
24 anything the Commission says to heart, whenever that
25 came in. If that helps.

1 COMMISSIONER SILVERBERG: Hello, Mr. Proudfoot,
2 I have a question. You said that you've been looking
3 at this -- this all started back -- did you say 2002?

4 CHRIS PROUDFOOT: If you go back to the
5 formative parts of it, the change in concept started in
6 about 2000. And we started looking at places to do
7 training as early as 2002, 2004 with those initial
8 studies. But those also highlighted places on the east
9 coast, places in the Gulf of Mexico, as well as
10 southwestern United States. So we didn't get dialed in
11 on Twentynine Palms until the December 2006 when the
12 Secretary of Defense and Commandant of Marine Corps
13 directed we start looking at functional alternatives in
14 the Twentynine Palms area.

15 COMMISSIONER SILVERBERG: Got you. More about
16 the 2006 area is when you focused in on Johnson Valley?

17 CHRIS PROUDFOOT: Absolutely.

18 COMMISSIONER SILVERBERG: I have sort of a
19 rudimentary question, it's been sort of touched on here
20 today. It's just along the lines of the displaced use
21 of OHV. How did you guys look at that? Did you ever
22 really consider knowing that, how you see all of the
23 closures that are happening around, you're very
24 familiar with the loss of opportunity that's happening
25 all over the state and actually in the country now,

1 with the amount of influence that you might yield,
2 would it be a fair thing to look at how to mitigate
3 that displacement?

4 CHRIS PROUDFOOT: That's a great question. The
5 official answer I have to give is that we're not
6 responsible to do that under the NEPA thing. I think
7 we are happy to work with anybody to find any solution
8 that works best for the communities at large. So we
9 can't say we're going to do that because that's not
10 within the purview of this particular project. We
11 would welcome to work with anybody to try to find any
12 solutions that work. So I mean that's a very general
13 statement. Really, outside of the project description
14 that we have right now, we're limited legally from
15 doing much more than that.

16 Now, I will say we studied the displacement
17 pretty detailed. I don't think the answers are
18 suitable to anyone. I think the book has projected
19 roughly about 30 percent of the current activity inside
20 the Johnson Valley OHV area today would be displaced
21 elsewhere, is generally what we agreed at under an
22 Alternative 6 paradigm.

23 COMMISSIONER SILVERBERG: Well, I guess maybe
24 I'm getting at this because of the loss of opportunity
25 and the small opportunities that are left, the impact

1 on the OHV opportunity to the south and to the north,
2 conceivably if the people still get out there to
3 recreate, would be affected in a manner that might
4 actually cause them to eventually have limited use.
5 And so it has more of an effect than just displacing
6 people. And so I don't know how -- and, again, I've
7 heard time over time now about the EIS that maybe it
8 needs to be reworked in certain manners. And I
9 understand that some of these things you're not really
10 taking responsibility for, but that's sort of
11 disturbing in a sense that, like I said, you guys yield
12 a huge influence, so you'd think that you would want to
13 look to take care of those folks, so that's my concern.

14 CHRIS PROUDFOOT: I understand.

15 COMMISSIONER SLAVIK: Chris, I have a comment
16 and a question. My comment is, and I'll put this in
17 writing, that the public -- and we've been talking
18 about OHV recreation a lot. But the reality of the
19 situation is we're talking about recreation in general.
20 And we have 20 -- whatever the number is on the other
21 side of that mountain where we could look at where we
22 stood yesterday, L.A. Basin, 20 million, 22 million
23 people, whatever that is, those people have to be much
24 more important than the flora and fauna that are on
25 that desert floor. Yes, we'd like to see desert

1 tortoises. My kids all have them in their backyards,
2 thing like that. The reality is that there's a lot of
3 people there have to recreate. There's a social
4 benefit to recreation that's I think beyond some of the
5 things that we have already heard today. I mean I
6 won't go any further than that. I'm hoping that you
7 guys will consider the fact that taking away
8 180,000 acres from the public domain for recreation has
9 a huge impact on society. We're not talking about OHV
10 recreation, we're talking about societal recreation and
11 society's health and all of those things that are
12 implicated in that.

13 My question is that once you sign off on your
14 DEIS and it goes to Congress, it goes up to the DOD, I
15 assume, can you just walk us through the process how
16 that goes through and get to the point where the
17 President actually signs legislation? Can you help us
18 with that?

19 CHRIS PROUDFOOT: Absolutely, that last chart
20 kind of tried to do that. So I appreciate the
21 discussion. In general terms, the Draft Environmental
22 Impact Statement is the opportunity to receive comment
23 in and find areas where in the project maybe we didn't
24 study an area well enough for the public interest. So
25 we then will move forward after the six- or eight-month

1 process in creating a Final Environmental Impact
2 Statement. And under NEPA there are strict guidelines
3 on how we need to do that, and hopefully it won't add
4 another 1500 pages to it. But in general terms, we'll
5 flush out some areas that the public commented on and
6 therefore we'll make a change or modify or add meat on
7 the bone, as it were, for a particular area.

8 Once we create the Final Environmental Impact
9 Statement, we will file that again with the EPA. There
10 will be a 30-day waiting period for public and
11 organizations to review it. It's not a formal comment
12 period, but it is a waiting period at which point it
13 will be forwarded to the Principal Assistant Secretary
14 of the Navy for their approval and selection of an
15 alternative, and that format is called a Record of
16 Decision.

17 Once she signs off on that Final Environmental
18 Impact Statement, that creates the Record of Decision
19 which then is forwarded through appropriate channels
20 through DOD to Congress for legislative action. If
21 Congress considers that and appropriately acts upon it,
22 that will become part of law, which then has to be
23 signed by the President.

24 My understanding of these -- there are probably
25 people here a heck of a lot smarter on this than I

1 am -- that process of Record of Decision through to
2 legislative action could be as long as a year for them
3 to actually take action on it. There are some timing
4 issues with that. We're all aware of election years
5 and the cycles up in Congress as it is, so there are a
6 lot of factors that would then bring that up. But the
7 point that the Secretary of the Navy says: This is my
8 Record of Decision, that's when it's forwarded up for
9 legislative action of Congress.

10 COMMISSIONER SLAVIK: I'm guessing this is a
11 relatively unique situation what you're doing, you're
12 proposing. When it gets to that point, does it go to
13 committee, and they craft legislation that goes back
14 and forth, back and forth, typical situation, or do
15 they basically take what the DOD has put in the
16 documentation and carry that in to the President for a
17 signature?

18 CHRIS PROUDFOOT: My understanding is it happens
19 both ways. Sometimes they bounce back and forth as a
20 normal bill might between committee and the General
21 Assembly and back between the houses of Congress. It
22 can also be very quickly adapted in to existing
23 legislation that's before the Congress. It could be a
24 Congress rider. It could be any of those things. It
25 could be in the National Defense Authorization Act,

1 which is usually in March or April anyway.

2 So there's a lot of different ways it can go.
3 That's really the purpose of that waiting period after
4 the EPA as we file the final with them because that
5 allows anyone that's really going to propose a
6 legislative action against it, meaning go out to hit
7 their congressman or senator, that that really gives
8 that time for that organization to do that.

9 COMMISSIONER FRANKLIN: Gentlemen, thank you for
10 coming, appreciate the presentation earlier today.
11 Just a couple of quick questions. You mentioned that I
12 think currently there wasn't space in the current
13 inventory to allow for this type of training exercise.
14 How big of an area do you need? I am looking at the
15 map, it doesn't have acreages on there. But Twentynine
16 Palms looks to be pretty darn big. It probably dwarfs
17 the King Ranch down in Texas. I'm not sure how big it
18 is, and you want to add another 180,000 acres. I mean
19 how big of a space do you need?

20 CAPT. NICK MANNWEILER: Mr. Franklin, thank you
21 for your question. The Marine Corps at the Combat
22 Center trains roughly 50,000 Marines per year. That is
23 through the variety of schools and the enhanced Mojave
24 Viper Training course that we do. This Marine
25 Expeditionary Brigade training exercise that we propose

1 conducting twice a year would be not in lieu of that
2 training but in addition to. We utilize all of the
3 usable training area aboard that base for the training
4 rangers that go into the training package we do now.
5 So that would be 50,000 Marines, plus the additional
6 30,000 that would come through a year. That's why we
7 would need the additional lands, to support those extra
8 training areas.

9 COMMISSIONER FRANKLIN: I know it's been brought
10 up before, there are other military reservations in
11 close proximity. Just over the hill you have
12 Camp Pendleton, huge area. You do a lot of stuff down
13 there. You don't allow freeways to go through, but
14 there's a lot of stuff going on down there, guys in
15 training with hovercraft and all of that fun stuff.
16 You've got a great island 50 miles offshore,
17 San Clemente Island, great fishing there when you let
18 me fish there, I appreciate that. We call ahead and
19 make sure you're not dropping stuff down, make it go
20 boom, so it's good stuff there. I'm just looking at
21 this. You've got other opportunities in other areas
22 that I think would, as you've mentioned, you said: We
23 look at 25 nautical miles from the sea. That's kind of
24 the charge you're given, right. I don't think we're
25 25 miles from the sea here, especially up in Twentynine

1 Palms. Maybe at one time it was a sea, but it's been a
2 while since it's been a sea. I don't think anyone has
3 seen that. We've got San Clemente Island. You're
4 already out there doing stuff. You got China Dry Lake.
5 You guys are part of the Navy. You get along at least
6 with the Navy boys, Kiefer Sutherland said, they give
7 you guys ride where you need to go. So I just cannot
8 understand why we have to use this particular space.
9 What does it have that's absolutely so unique to your
10 training need other than convenience of location?

11 CAPT. NICK MANNWEILER: Safety. That's really
12 what it comes down to. Units can train at their
13 individual bases in sort of, if you think of it as, the
14 bachelor's level, if you want to take an education
15 approach to it. The training that goes on to ready
16 Marines to come out to Twentynine Palms to train is the
17 bachelor level. They're definitely getting above and
18 beyond what the average Marine is trained. When they
19 come to the Combat Center, that's the final check ride
20 before you start to head out to combat. What we offer
21 at the Combat Center is working toward that master
22 level of education in war. The number of ranges in the
23 schools that we have there, it goes into a question of
24 safety in terms of the range that we have to be able to
25 utilize our weapon system to the maximum extent.

1 As a framing comment, if you look at artillery,
2 artillery has advanced quite a bit since World War II
3 when Patton was out training with his equipment. A
4 modern day 155 millimeter Howitzer with maximum range
5 fires roughly 25 kilometers. Wherever that round hits
6 the deck, roughly 100 meters around that in radius,
7 that's a kill range. Out to 300 meters around that, it
8 is wounding. If you're in one end zone of a football
9 and a round impacts the other end, you're probably
10 dead. When you figure 50,000 Marines going through,
11 5,000 at a time, in addition to the rest of the
12 courses, that's a lot of moving parts, especially with
13 tanks, rifle fire, machine gun fire, missiles, not to
14 mention the aviation component in terms of bringing in
15 the ordnance, guided munition, it takes a lot of space
16 to make that as safe as possible so that we can train
17 to do what we're asked to do when we deploy. So it's a
18 safety aspect.

19 When it comes to Enhanced Mojave Viper, that's
20 that 28-day training package, one of the things that we
21 have built into that program, and why Twentynine Palms
22 supports that package uniquely, is that we have the
23 infrastructure there to support training. The
24 logistical requirements of moving 50,000 Marines and
25 all of their equipment would be quite large and very

1 costly. So what we are thinking is that along the
2 lines, as what goes on with Mojave Viper, would also
3 take place with the Marine Expeditionary Brigade. What
4 I mean if you bring a unit from Okinawa, they don't
5 have to pack up all of their tanks and weapons and
6 everything. We maintain that at Twentynine Palms. All
7 you have to do is get the people to Twentynine Palms.
8 We've got the instructors, the ranges, and all of the
9 equipment that we all train for. As I said, though, at
10 the beginning, we have such a different mission set
11 compared to the other services. We use different
12 equipment. That's the primary difference is each
13 service has its own unique mission and its own unique
14 equipment, its own training procedures. If you're
15 talking about HMMWV or seven-ton truck, sure, we can
16 operate those. But Marine M1A1 tanks aren't the same
17 as what the Army uses. The Army uses all kinds of
18 different equipment that the Marine Corps doesn't have
19 either due to budget or it doesn't meet our mission
20 set.

21 So going to Fort Irwin raises the question, for
22 example, that's one of the big ones, go to Fort Irwin,
23 first of all, what's going to happen with their
24 training, the amount of training they already have?
25 Are you going to deplete some of the Army training

1 requirements? It's a complicated process when it comes
2 to military training. That's why there's a Department
3 of Defense that handles all of that. But also there's
4 the logistical question. What do you do about
5 equipment? Do you pack all that up and cart it from
6 Camp Lejeune, North Carolina? Do you bring it up from
7 wherever? Or do you keep everything localized in one
8 spot where you got the training, you got the knowledge,
9 the experience, and people, and the capability or do
10 you spread that out and does it cost more? It's a very
11 complicated process, and that's part of what goes into
12 it. I know that was a 20-minute answer.

13 COMMISSIONER FRANKLIN: That's good. Different
14 equipment is one thing, and I think McInerney tried to
15 figure that out at one time, and it didn't work so
16 well. That's your problem, and unfortunately it's our
17 problem because we're buying it. I understand that you
18 need to have different stuff for different missions,
19 and I support that. I think truly everybody in this
20 room does. I think you would find you would have huge
21 support, overwhelming support for anything you ever
22 wanted to do with a little consideration in this group.

23 But you led off with the aspect of the one major
24 factor in all of this was going to be safety. You are
25 putting your safety over our safety now because you're

1 displacing these people, and you're moving them into a
2 smaller and smaller area. And now their recreational
3 interests and their families' recreation, which is
4 precious and limited, is going to be compromised. And
5 their safety is now compromised because of your
6 expansion into some areas where it was convenient.

7 So I think that you need to take a longer,
8 deeper look at that and truly understand what you're
9 doing. You can throw in all of the other information
10 here as to the tiny communities up there, and they're
11 on the bubble now, and they only survive with the
12 recreational visitors. And I'm not saying off-roaders
13 because, again, that's a misnomer. You've got
14 stargazers, you've got wildflower viewers, you've got
15 everybody else that's not going to be able to do that
16 anymore from that location. They're not going to be
17 buying breakfast at 24/7 Cafe or whatever it was. They
18 are not going to go to the Ace Hardware slash grocery
19 store. Those people only are surviving on the
20 recreational dollars. They're on the bubble. And
21 without these people coming in, it was put to us very
22 clearly the other day, those towns will go the way of
23 Essex. And Essex went away when the railroad stopped
24 using water. So they will dwindle and die, and
25 California has enough problems with people leaving the

1 state as it is.

2 So I would just urge you to think about your
3 main mission, as you said, it was safety for the
4 training exercises. We've got a lot of folks that go
5 out there. They need to be safe also. And jamming
6 them into a small area is really no different than
7 jamming you in a small area. We're both using
8 mechanical equipment and things can go terribly wrong
9 when people are jammed into a small area. Appreciate
10 that.

11 COMMISSIONER VAN VELSOR: Thank you for being
12 here, really appreciate your willingness to meet with
13 us and answer our questions.

14 The national and world landscape has changed
15 drastically since you initiated this process. We have
16 gone through a significant financial crisis, one that
17 we haven't begun to dig out of yet, faced nationally
18 and worldwide. It's not clear that we're going to dig
19 out of that, and we're not likely to be able to produce
20 like we did economically prior to that. I'm not sure
21 that the United States has the luxury to continue to be
22 the world police force. We currently spend over
23 \$700 billion annually on our military, which is
24 42 percent of what the rest of the world spends. We
25 spend twice as much as the NATO countries combined.

1 And for us to continue at that spending level is at
2 this point questionable.

3 We are starting to see bipartisan support for
4 looking at the military budget. It currently is
5 58 percent of our discretionary spending. We can't
6 continue at that level. I think people are starting to
7 recognize that. Congress is starting to recognize
8 that. We're hearing more and more people of power say
9 we need to really look at our defense military spending
10 and consider other options. So my question I guess is:

11 Do you think it's fiscally prudent at this point
12 in time to continue this process when, in fact, there
13 may be a change in the direction of the United States
14 military and at least a levelling off or even possibly
15 a reduction or a change in how we spend money for our
16 military activities?

17 CHRIS PROUDFOOT: Great question. Just paid
18 taxes the other day, so I'm still reeling. Let me put
19 it to you this way, we care a lot about how much it
20 costs, but our charter is not fiscally dependent. Our
21 charter is directed by Congress to be prepared to
22 deploy Marines into combat. That's in the U.S. Code,
23 Title 10. That's what we do, train men and equipment.
24 If they tell us to be ready to put five guys on a truck
25 tomorrow, we need to be ready to do that.

1 What they're telling us is we need to be ready
2 to have a Marine Expeditionary Brigade combat ready and
3 trained for the foreseeable future. This is how we see
4 the best way to do that to answer that requirement.
5 Does cost come in effect, it does. But when we're
6 looking at the requirement, we're looking at what does
7 it take to put a Marine and a Marine unit overseas in a
8 combat arduous situation with the least loss of life
9 and limb as possible. That's the charter that's much
10 higher than the funding that's going to be required to
11 support training that Marine.

12 Now, the decision on whether we send them or
13 not, that's why we have elections every four or two
14 years. Like I said, they've said you need to do this.
15 This is our answer to that challenge that was thrown at
16 us is if you want us to deploy Marine Expeditionary
17 Brigades in harm's way, this is the best way to do that
18 and the best way to safeguard our precious resource,
19 which is our young men and women that are serving.

20 COMMISSIONER VAN VELSOR: I can understand your
21 position in the hierarchy, and we would expect that
22 from our military. However, we're operating I think in
23 an old misguided Cold War paradigm, and I think it is
24 going to be changing. And I think the handwriting is
25 on the wall if we start paying attention to what we're

1 hearing from a lot of segments of our society,
2 including congressional. You folks may not be in a
3 position to make that decision, but it's possible that
4 the decision will be made at a higher level. And it
5 would be unfortunate for this expansion to take place
6 and then there be a change of direction in priorities,
7 and we've lost a fairly significant opportunity for
8 recreation and economic benefit for this area.

9 CHRIS PROUDFOOT: I think that's a great point
10 again. The same people that are telling us to do
11 Marine Expeditionary Brigade training are the same
12 people that have to make that decision. They're the
13 ones that have to balance public versus national
14 defense. So if that change comes, that's what we do,
15 aye aye, sir; move on.

16 COMMISSIONER KERR: Well, it's been said many
17 times that the military is always fighting the last war
18 and not the next one. I think this is a good example.
19 As I understand it, you can currently train one brigade
20 at a time. How many people are in a brigade?

21 CAPT. NICK MANNWEILER: A Marine Expeditionary
22 Brigade is roughly 15,000 Marines and trailers and all
23 of the associated equipment. Currently, the largest
24 unit we train for deployment is the Marine
25 Expeditionary Unit, which is between 3600 and 5,000.

1 COMMISSIONER KERR: So you can train 5,000 guys
2 to go.

3 CAPT. NICK MANNWEILER: Currently for Enhanced
4 Mojave Viper, we train 5,000.

5 COMMISSIONER KERR: Well, I don't think that
6 we're going to win an argument with these gentlemen
7 about the size of the defense budget or military
8 readiness. And like the other members of the
9 Commission, I want to thank the military for all it's
10 done, but I do agree that the military budgets are
11 going to come under pressure, and that it's
12 inappropriate for us to think that the military is
13 going to continue to be in an expansion mode.

14 In addition, there is no doubt that the U.S.
15 military is quite capable of bombing, shooting, using
16 the artillery, the airplanes to do whatever the
17 President wants them to do. The problem is more subtle
18 than that, is in these conflict zones where you have
19 sort of guerilla warfare and urban, this sort of nation
20 building that we've embarked upon which seems to be the
21 thing that causes the military to stub its toe. And
22 going up in the desert and shooting it up with 15,000
23 guys is not going to help that problem.

24 But, again, what I'd like to see the Commission
25 focus on is not an argument with these gentlemen about

1 military readiness, but maybe what can we do to affect
2 the larger debate about this significant piece of
3 property. I haven't heard any testimony today or in
4 our conversations yesterday about an actual census of
5 annual visitors. I've heard some things about how many
6 people came to the races. And I guess it's a difficult
7 problem because there's a lot of different ways to
8 enter the area.

9 COMMISSIONER SLAVIK: 150,000 is what I heard of
10 annual visitor use.

11 COMMISSIONER KERR: I think this debate, as it
12 moves forward in the more strategic pillars of power in
13 this country, the information is going to be key. So
14 the four-wheel industry has put forth their report, and
15 I assume they're going to refine that about the
16 \$1.5 billion economic effect. These towns are going to
17 have to have their mayor, each one of these towns is
18 going to have to get real serious about clearly
19 defining the economic impacts to their communities.
20 What can we do to add to the debate, more facts that
21 support preserving this public access.

22 And I think I'd just like to maybe focus our
23 discussion on what is it that the proponents of keeping
24 this property in the public domain need to support
25 their case. It kind of reminds me of the asbestos

1 thing that Daphne commissioned with the Commission's
2 approval. What is the thing that's missing right now
3 from this debate. The military has all of the
4 information, all of the money, all of the experts on
5 their side. What can we do to balance that debate a
6 little bit as this moves into the walls of Congress and
7 other places where this is going to ultimately be
8 decided. I don't know if anybody has an answer to that
9 question. I'm throwing it out there to see if we can
10 have some concrete come out of this meeting.

11 COMMISSIONER PEREZ: I'm certainly not an expert
12 on all of the military options that are available. I
13 feel, at least for me, that there wasn't enough
14 information about the other alternatives beyond Johnson
15 Valley that were considered. I would appreciate more
16 information about that. I personally am concerned
17 about the communities and the local families that live
18 in that area. What I'm picturing right now is if I
19 lived in this area, in thinking about the military
20 weaponry and all of the activities that would be taking
21 place and the impact to that area and including the
22 economic impacts, I certainly would be concerned about
23 the changes that would take place in those nearby
24 communities. And what I recall from yesterday when I
25 took the tour, I recall seeing homes, several homes not

1 too far from where we toured, and that families lived
2 there.

3 And at this point I would say for the record
4 that I would be not in favor of the expansion into the
5 Johnson Valley area. At least for me personally I
6 don't have enough information for other alternatives.
7 That's what I would want to hear before I would feel
8 comfortable enough with what I'm picturing you could
9 develop in that area. I'm going to leave it there as
10 there isn't enough information for me to support
11 something like this.

12 COMMISSIONER WILLARD: First of all, I want to
13 say you guys have been doing a great job. The last few
14 times you've been out there, you've really done a good
15 job. It's almost hard to imagine you need to have
16 better training because you guys have been so
17 successful with how you've been preparing to protect
18 our freedom. So I'm having a hard time justifying the
19 expansion, not only as Commissioner Van Velsor pointed
20 out, just from a budgetary perspective but also, as has
21 been pointed out by members of the public that live out
22 there and recreate out there, that there is a huge cost
23 to those folks, as well.

24 In society our decision makers have to make the
25 calculation, the risk/reward calculation. And with

1 this, it seems kind of simple to me. It seems to me,
2 well, what is the risk of not having this great
3 training facility, and what's the reward, and what's
4 the cost. I mean all of that has to be factored in.
5 It's not too different from the latest weapon system
6 that the Marines would love to have. I'm not sure if
7 it was the Marines that was recently turned down on the
8 Stealth Fighter. I think Marines wanted their own
9 version of the F-22 -- maybe the Navy got turned down,
10 or the Marine equivalent.

11 CAPT. NICK MANNWEILER: The F-22 was a United
12 States Air Force aircraft. The F-35 is a separate
13 aircraft that, yes, there is a particular variance
14 that's well suited for the Marine Corps, the Brits, the
15 Italians and a couple of others. That's still in
16 development. That's still working.

17 COMMISSIONER WILLARD: My point is the military
18 is still getting turned down on weapons system. There
19 has been situations recently where the politicians have
20 said enough is enough, we just can't afford this even
21 though it would be great to have it. I think maybe
22 it's sort of a similar situation in my view, especially
23 if you consider that maybe you could use Fort Irwin. I
24 appreciate that there's logistical issues and perhaps
25 cost issues, but it is doable. And when you weigh that

1 against the impact on the lives of the people that
2 enjoy Johnson Valley or live in the community, make
3 their livelihood off of it, then it starts to become a
4 much more questionable endeavor as far as expansion
5 goes.

6 So I for one am having a real hard time with any
7 of the alternatives other than no action. I was
8 thinking maybe the compromise one was something that we
9 could live with, but after being out there yesterday
10 and listening to all of the comments, I personally am
11 having a hard time with anything but no action. Look
12 to the east if you want, but Johnson Valley is a very,
13 very important recreational opportunity that's unique
14 and irreplaceable.

15 So I'd like to make a motion to get the ball
16 rolling here that the Commission direct the Chair to
17 work with staff to develop a comments to the Draft EIS
18 hopefully within the comment period. But I know that's
19 a little bit tough, so I appreciate your giving us the
20 ability to get comments in maybe a little bit later --
21 so to work with trying for the timeline, but if we
22 can't, maybe a few days later. And I think that the
23 gist of the letter would be recommendation of none of
24 the alternatives, to leave Johnson Valley as it is
25 under BLM control and its current recreational

1 designations.

2 CHAIR LUEDER: Do I have a second?

3 COMMISSIONER KERR: If I could amend your motion
4 respectfully. I suggest that we send something in
5 within the legal comment period, and then we also seek
6 to expand upon that after the period. I would suggest
7 that the comments we could agree upon came out of some
8 of the things that the other Commissioners said which
9 are this is an irreplaceable recreational resource, and
10 I think we should mention this is the largest in the
11 United States, that it serves over 150,000 people per
12 year, that it has significant economic benefit to the
13 State of California and to the surrounding communities,
14 and all of the Marines Corps' suggested alternatives
15 would adversely affect these positive benefits for our
16 community and state, and that therefore the Commission,
17 whatever the vote is, voted to oppose all six of the
18 alternatives. And then if you want to study the EIR
19 further after the comment period is over, then you can
20 validate the claims of the four-wheel industry
21 associations and some of the other things that might go
22 into a more expanded response to these gentlemen.

23 COMMISSIONER WILLARD: I'll accept the amendment
24 to the motion. I would like to ask staff if they think
25 they could get such a letter out by the 26th, one day

1 from now?

2 DEPUTY DIR. GREENE: That's tomorrow. We will
3 do our best. Chair, may I ask a couple of questions?

4 Mr. Proudfoot, just a couple of questions
5 because I'm concerned with the Marine Corps who speaks
6 of accuracy and the need for precision, and yet there
7 still seems to be a lot of confusion about what two
8 months of the year have been identified. And so I keep
9 hearing that we'll work with the community, but do you
10 have any specific months that you're considering that
11 would be closed to the public?

12 CHRIS PROUDFOOT: Not specifically, no.
13 Literally it could be any time during the year. Just
14 really we would work with the communities to schedule
15 as best as possible, and certainly give as much notice
16 as possible, years in most cases before we did that.

17 DEPUTY DIR. GREENE: And so could you also just
18 for a moment walk us through what you're proposing is
19 the process by which the public would gain access to
20 that land?

21 CHRIS PROUDFOOT: This scenario we're looking to
22 get a lot of comment. And again we put in Marine
23 Corps-ese, I don't think it's as clear as it needs to
24 be.

25 What we put in the Draft Environmental Impact

1 Statement was a process whereby after a training event
2 to sweep and clear the areas as required to ensure
3 they're as safe as possible based on criteria we use at
4 the base every day. We would then have an educational
5 system online that would allow any private citizen who
6 wanted to come back into that area once the training
7 general said, okay, it's back to normal recreational
8 use, that they would go through, for example, today in
9 order to go into our training areas aboard the base,
10 you need a desert tortoise class, you need an
11 unescorted wilderness class, you need a desert survival
12 class. This can all be done online. The idea would be
13 that everybody that entered into the area would be,
14 used the word, permitted because that was the logical
15 phrase at that point. There are some challenges with
16 that as have been brought up. Once they are
17 appropriately permitted, it would be as it is today.
18 There would be a few restrictions on what BLM allows
19 today mostly in the area of weapons discharges. But in
20 general terms, it would remain as it is managed today.

21 DEPUTY DIR. GREENE: So you're responsible for
22 crafting a resource management plan for the area,
23 correct?

24 CHRIS PROUDFOOT: Yes, ma'am, exactly.

25 DEPUTY DIR. GREENE: So, in all due respect, the

1 experience that the Marine Corps has in doing a
2 resource management plan for an OHV area is probably
3 not your best skill set.

4 CHRIS PROUDFOOT: Yes, ma'am.

5 DEPUTY DIR. GREENE: How do you propose then
6 writing that resource management plan?

7 CHRIS PROUDFOOT: Right now, again, this is not
8 in the book, but our plan on that was to develop it in
9 cooperation with BLM because they have a lot more
10 expertise in this than we do. We would also hire
11 certified experts to help us write that plan so it was
12 suitable. But more importantly, we would look to get
13 all of the leadership you're seeing here in the
14 community in the door as well to help us craft that as
15 best as possible because it's got to be usable. Just
16 because we put a sign on it that says it's open for
17 use, it's not usable, it's not usable. So we've got to
18 take any comments from the public to make sure that
19 we're doing it in the best manner possible.

20 DEPUTY DIR. GREENE: And just two questions, and
21 I appreciate the Commission's deference on this.

22 You mentioned the FAA. I would imagine this is
23 one of the busiest corridors coming into the
24 Los Angeles area.

25 CHRIS PROUDFOOT: Absolutely.

1 DEPUTY DIR. GREENE: So how does that impact the
2 FAA and the flights coming in? Are they now diverted
3 for those two months, as well, or for the year?

4 CHRIS PROUDFOOT: No, we have a very precise
5 altitude and time restrictions or desired timing usage.
6 If you're not familiar with how the FAA does it, they
7 really don't have to tell us anything until we get a
8 Record of Decision in our hand. So we're working with
9 them daily almost. They don't have to slap the table
10 until after the Secretary of the Navy has said, this is
11 what we want to do.

12 Now, we have laid out an airspace requirement at
13 this point, and it's a negotiation with the FAA, an
14 airspace requirement that adds up to about 140 days a
15 year of airspace usage above Johnson Valley and in any
16 one of those days could be between eight and twelve
17 hours predominantly, and then about 40 days of 24 hours
18 a day. Just as an example, those are listed in the
19 book in detail. So I'm probably off a few hours here
20 or there.

21 DEPUTY DIR. GREENE: What I failed to glean out
22 in the book, of the 948 pages, whatever it is, how low
23 would your proposed aircraft be flying?

24 CHRIS PROUDFOOT: It depends on which area
25 you're talking about.

1 DEPUTY DIR. GREENE: Say the lowest area of
2 which currently is the Johnson Valley OHV area.

3 CHRIS PROUDFOOT: If the exclusive-use area were
4 made as we depicted on the chart, we would propose that
5 that would go down to zero; however, when not used for
6 training, would automatically be at the 1500 level to
7 allow any private access because the airspace does go
8 beyond the land boundaries. There are some private
9 airfields that would be impacted by this. So we always
10 try to give the minimum FAA requirements, 1500 AGL, to
11 allow private pilots to access the area. I think that
12 answers what you asked.

13 DEPUTY DIR. GREENE: And the final question
14 would be: Currently I think it's been said in some of
15 your literature that only 40 percent of the existing
16 facility is being used for the live fire. You indicate
17 the remainder is being used as buffer, resource
18 protection, and I think it's infrastructure. Would
19 there not be some creative way that you could look at
20 if you were to go east to provide that infrastructure
21 so that you're not impacting those communities, as you
22 had mentioned, and then take the remaining existing
23 base for that MEBs that you're looking for?

24 CHRIS PROUDFOOT: I think that's a great
25 question. I would say that the main loss of space

1 training, usable space on board the installation, has
2 little to do with the three areas that you've
3 mentioned. It has to do with the big mountains in the
4 middle. 42 percent of the base is currently used for
5 training or infrastructure or resource management or
6 buffer, as you stated. There is no way to take away
7 the mountains, and they cut off the majority. That
8 58 percent remaining are those mountains. The base is
9 set up on four corridors that run from southeast to
10 northwest and generally there are mountain ranges in
11 between them that create that unusable space.

12 DEPUTY DIR. GREENE: I thought it was the
13 mountain ranges that you like.

14 CHRIS PROUDFOOT: You like them because they
15 create the corridors. You can't drive a tank up in
16 there. Outside of putting radio communication towers
17 on top of them and putting observers up there via
18 helicopter, those are the usable areas. Now, very
19 usable from an airspace angle because that allows our
20 helicopter pilots in particular to stay very close to
21 the ground. But when you look at training, so if you
22 were to design this exercise as you suggested, you're
23 still left with a large part of that 58 percent that
24 the land-use requirement study that we did do
25 highlighted is because of the terrain, very little of

1 it due to the infrastructure buffer or resource
2 management.

3 COMMISSIONER WILLARD: Before I get a second to
4 the motion, I would like to amend it one more time that
5 copies would be sent to Senator Feinstein and
6 Congressman Lewis.

7 COMMISSIONER KERR: I'll second.

8 CHAIR LUEDER: Any discussion?

9 COMMISSIONER SLAVIK: Well, I guess this
10 couldn't be part of the amendment, but we wouldn't even
11 be having this discussion if the land designation that
12 we're talking about was codified in law for exclusive
13 OHV use. So I think we need to be proactive and down
14 the road not get involved in something like this again.
15 If there's any way that we can find a congressional
16 person to head up some legislation that could
17 ultimately put this stuff to bed.

18 DEPUTY DIR. GREENE: And I think that we've
19 talked about it before last year with Feinstein staff,
20 this was originally one of the areas that would have
21 been considered as congressionally designated in the
22 Desert Conservation Act of 2011. Obviously, with the
23 Marine Corps Center, Feinstein worked with the Marine
24 Corps.

25 I think to Commissioner Van Velsor's comment

1 would be that if in fact it was decided at some later
2 time they weren't going to move forward with
3 identifying the land, that then would it revert back to
4 OHV use, and would it then be congressionally
5 designated? That's another question.

6 CHAIR LUEDER: If there is no further discussion
7 I'll call for the vote. All those in favor?

8 (Commissioners simultaneously voted.)

9 CHAIR LUEDER: The motion carries.

10 Thank you, gentlemen, for indulging us with this
11 public comment. We certainly appreciate you coming and
12 answering questions.

13 CHRIS PROUDFOOT: Thanks again for inviting us
14 down. If you have any more questions, Daphne can get
15 those to us, we'll be happy to answer your questions.

16 //////////////////////////////////////

17 **AGENDA ITEM VI(D) - Business Item - BLM Issuing Permits**

18 CHAIR LUEDER: Next item is Item No. VI(D),
19 Commission will receive a briefing from BLM on the
20 recent process for requirements for special recreation
21 permits. Roxie Trost, thank you for sitting through
22 that.

23 BLM ROXIE TROST: Good afternoon, Mr. Chair and
24 Commissioners. I want to first thank you for allowing
25 me the opportunity to join you yesterday on the tour.

1 That was a privilege, and I thank the Division for
2 their forward thinking and taking us out there.

3 I do want to just brief you on the special
4 recreation permit process. And the final rule updating
5 the regulations that govern that process was actually
6 published in October of 2002. Also, the Office of
7 Management and Budget issued their Circular A-25, which
8 required federal agencies to obtain cost recovery for
9 all projects on federal or public land, and that
10 doesn't just mean for recreation but it was for all
11 lands projects, anything that occurs.

12 So in August of 2010, we had the tragic accident
13 out at Johnson Valley, and the state director had
14 called in an investigation team, which reviewed the BLM
15 process for issuing special recreation permits, and our
16 district manager stepped up to the plate. She gave us
17 the opportunity to evaluate our own program and to come
18 forward with the process to get us into compliance. As
19 you might know, that report was somewhat brutal. It
20 identified that BLM, although we had processes in
21 place, we did not follow our own processes.

22 At that time the district manager then
23 identified a special recreation task group, and she
24 asked me to lead that task group. We came together.
25 We identified places where we felt, throughout the

1 California desert, where we were not consistent in our
2 approach in moving forward. Also, in that report the
3 state director identified a task, and that task was
4 that we would prepare what we called a staffing matrix
5 so we had some idea on how to move forward and how many
6 BLM staff it would take to safely monitor a special
7 recreation event.

8 In doing this, I think we've come along ways.
9 After August 14th, we had that following weekend, we
10 had the Invader's event out in Johnson Valley, and BLM
11 grabbed everybody that we could possibly have to have
12 onsite and that magic number for that event was 13.
13 Today using the matrix, we are able at times to have
14 three or four, and it's really reliant on the operating
15 plan that the event organizers provide to BLM because
16 we base our staffing on how many of the positions will
17 be covered by the event organizers. And when we go
18 into the field, then we can just look and make sure
19 that those areas are covered and can move forward.

20 Another thing we have done in the California
21 Desert District, and I talked about a little bit with
22 some of you yesterday, is that we have programmatic
23 environmental assessments. And most of our large
24 events occur in the same area on different racecourses
25 that have already been environmentally cleared. So it

1 requires a much lesser amount of environmental work on
2 any given project, which is helpful especially when it
3 comes to cost recovery. It may have an initial onset
4 cost, but those costs then can be spread out over many
5 years. So when we have events in Johnson Valley, we
6 have one of three racecourses, and they typically occur
7 within those same racecourses. Sometimes they're
8 reversed, sometimes it's a combination, but they occur
9 in the same area.

10 As we've been moving forward then with the
11 process, our district manager has requested through our
12 Desert Advisory Council to put together what's called
13 the Special Recreation Permit Subgroup, and that
14 nomination process has just ended. That will be
15 announced. Our next Desert Advisory Council meeting is
16 next week. And the objective then is for that
17 citizens-based group to work directly with BLM through
18 our Advisory Council to provide input as this moves
19 forward.

20 We don't expect any major changes in regulation;
21 however, we are looking at ways to possibly streamline
22 and make the process a little bit more understandable
23 for the public through this process.

24 That is really where the special recreation
25 permit program has gone and where we see it going in

1 the future. I think there were some initial
2 misunderstandings as to what the changes meant for the
3 program. And some of those misunderstandings, we've
4 been getting questions like, well, if I'm going to go
5 with my neighbor or my spouse and we want to go out and
6 we want to look for rocks, do we now need to go through
7 cost recovery and get a permit from BLM? And the
8 answer to that is no, that is what we consider to be
9 casual use. You're going to go out like you always
10 did, and you don't have to call me, and I don't have to
11 write a permit, but you can go out and do the casual
12 use things that you've always done on public land.

13 Our rule of thumb or the one that I typically
14 use is if it's an organized or always a competitive
15 event requires a permit. But if you're just an
16 organized group and you do not publicly advertise and
17 you do not charge a fee, then you don't need a permit.
18 That's the rule of thumb. If you do charge for lunch
19 but all proceeds just go to cover your cost of lunch,
20 you probably don't need a permit for that either. It's
21 only if you're going to have some money left over at
22 the end, whether it's for a charitable organization or
23 whatever it is, that you will have to have a permit
24 from the BLM.

25 Also, to clarify a little bit about cost

1 recovery, the rule there is anything that requires
2 staff time of over 50 hours will trigger cost recovery,
3 and that is true. What happens then is if the event
4 was 51 hours, then the event organizer would be
5 responsible for the entire costs, which would be the
6 entire 51 hours, not one hour. And the thinking there
7 is that the American people, if there are events
8 occurring on public land where people are seeing a
9 profit, then it is reasonable to think that the
10 American public should not be paying for people to be
11 making a living, that those should be included in their
12 costs.

13 Do you have any questions about this that I
14 could possibly answer?

15 COMMISSIONER SLAVIK: Roxie, approximately last
16 year how many events occurred in your jurisdiction that
17 didn't require cost recovery? And can you give me like
18 an estimate about how much that was to those particular
19 permittees?

20 BLM ROXIE TROST: Are you talking prior to
21 August 14th or after?

22 COMMISSIONER SLAVIK: Since you have
23 reinstituted.

24 BLM ROXIE TROST: Since August 14th, because of
25 our partnership with a lot of the organizations like

1 AMA and Cal 4-Wheel Drive, I can think that one AMA
2 permit may require cost recovery. It hasn't occurred
3 yet, and all of our car/truck events have had cost
4 recovery. So I'm thinking four or five.

5 COMMISSIONER SLAVIK: About how much money is
6 involved in the clubs or the organizations?

7 BLM ROXIE TROST: Well, it depends on how large
8 the event is. And for an event that's week long, like
9 King of the Hammers, we're thinking that that's going
10 to be maybe in the 30 to \$40,000 range. It's pretty
11 significant. On some of the smaller events, we're
12 looking at somewhere between five and ten thousand.

13 COMMISSIONER SILVERBERG: The cost before
14 August 14th compared to the cost now, now that you
15 implemented the thoroughness of your procedures and
16 such, is it about double or how do you measure just the
17 before and after?

18 BLM ROXIE TROST: Well, prior to August 14th my
19 office in particular was not implementing cost
20 recovery. So if you ask me the question of how much
21 cost recovery did I receive prior to August 14th, the
22 answer was zero.

23 Now, since August 14th, we have implemented on
24 those holidays that I told you. We actually
25 implemented on the entire program. It's just that

1 we're working closely with our event organizers, and
2 they're filling the need themselves rather than moving
3 into cost recovery. So if BLM has one or two staff
4 people onsite and given that most of these already have
5 environmental documents already in place, the costs are
6 somewhat minimal.

7 COMMISSIONER KERR: Did we need a permit for
8 yesterday?

9 BLM ROXIE TROST: No, because you didn't pay a
10 fee.

11 COMMISSIONER KERR: So even though we invited
12 the public?

13 COMMISSIONER SLAVIK: Didn't charge.

14 COMMISSIONER KERR: So as long as you don't
15 charge.

16 BLM ROXIE TROST: Yes, you didn't charge a fee,
17 and it always helps to have the field manager on the
18 trip with you.

19 DEPUTY DIR. GREENE: But, Commissioners, you
20 still owe me money for lunch so there's your charge.

21 CHAIR LUEDER: When you look at permit
22 applications that come in and say you have King of the
23 Hammers, it's a big event, it's a week long, it's got
24 some risk involved obviously versus like a motorcycle
25 enduro event and you kind of try to figure out the

1 risk, you've got 250-pound motorcycles versus
2 2,000-pound vehicles, can you give us a little snapshot
3 on how you look at that and how it works.

4 BLM ROXIE TROST: I can. And I have some of my
5 friends who are actually in the audience felt that
6 maybe I didn't know the difference between a car/truck
7 race and an enduro, and I had to convince them that
8 actually I do. One of the things with our task was to
9 develop the staffing matrix, and that staffing matrix
10 no matter what you call it or how you use it, a lot of
11 people didn't like it, but that's where we could put
12 those weights in it, identify by points process. And
13 at the end of that process, it spits out a number to
14 tell me what my risk is or how many people I needed to
15 have. So, for instance, an enduro would have a lower
16 point than, for instance, a car/truck event.

17 There is also some flexibility built into that.
18 So if it gives me a number at the end, but I know that
19 this event organizer has a very good safety record,
20 that their operating plan is impeccable, I know all of
21 their stations are covered, then I have the ability to
22 adjust that number. And if they are in the other
23 direction, I actually have the ability to adjust that
24 number up. It works both directions. But it's
25 something better than we've had before. We can

1 quantify that number, and we keep it in our case file
2 in case we're ever asked later.

3 CHAIR LUEDER: Are there any other questions?
4 At this point, I'd like to go to public comment. Then
5 if there are any follow-up questions, we'll call Roxie
6 back up.

7 ED WALDHEIM: Ed Waldheim, Friends of Jawbone,
8 Friends of El Mirage. When this whole issue happened,
9 this tragedy, I got really upset because we went way
10 over to the other side, and as ex-chairman Mr. Gary
11 Willard said, we don't want the pendulum going way to
12 the other side. Do you remember that? It didn't only
13 go off the side, it went off the mountain.

14 And so now Roxie is trying to ratchet it back,
15 and what they have done is created the subgroup within
16 the DAC to try to take care of this football that we
17 didn't get resolved totally within the organization.
18 So I was always in the hope that Teri Raml would call
19 all of the organizations together and negotiate and
20 work points by points and eliminate those that weren't
21 issues. And there's still a lot of issues hanging out
22 there. I, for example, am not going to put on a poker
23 run anymore because it doesn't make any sense for me to
24 have BLM staff one minute on a stupid poker run that I
25 do after a cleanup, it makes absolutely no sense. We

1 did one in El Mirage. We had 15 BLM people, we only
2 had 10 people participate in the poker run. Give me a
3 break, it doesn't make any sense. There are equestrian
4 events that take place, they shouldn't need that. Dual
5 sport events, there's only one event, and that's the
6 LA-B-to-V. It's a high visible event since we lost the
7 Barstow to Vegas in 1983. We got it back in 1989. We
8 created the dual sport LA-B-to-V event. That's a very
9 visible thing, so there's definitely some needs to have
10 some additional information or additional help or
11 safety, so forth.

12 But for a dual sport event today to have every
13 25 miles or so an ENT, it makes absolutely no sense.
14 To put in a regulation you must sign in and you must
15 sign out of a dual sport event, it makes no sense
16 whatsoever. When I go into a dual sport event, I'm
17 street legal. I can go any place I want to. I will
18 not follow the course. If I got tired of where it is,
19 I go home. I don't have to check with anybody, and it
20 doesn't make any sense.

21 They came up with this new insurance
22 requirement. Come to find out, yesterday Larry told
23 me, well, on the charts make sure you don't check off
24 the box, "Not covered", just leave the box empty, and
25 he solved that problem right off the bat. And so AMA

1 goes and spends the \$70,000 to come up with insurance
2 for dual sport. We don't need it. So there are a lot
3 of other people affected by this that we need to really
4 look at.

5 The cost recovery, if you have a big crowd, you
6 need to have law enforcement, either BLM or your own
7 control of the public, you do have to have it. There
8 is no way to get out of that. But on those events that
9 there is no public, there is no visitors except the
10 participants, it's minimal, absolutely minimal. The
11 routes we use are existing routes, they're designated
12 routes, routes that have gone through study after
13 study. We have poured millions of dollars of OHV into
14 all of these different routes. We have signed them.
15 We have done everything. There should be no cost
16 recovery whatsoever. These are issues that I hope that
17 the subgroup will start really being fair with the
18 other groups because there are other companies who have
19 not put on events anymore because it's gotten too
20 cumbersome, it makes no sense. So hopefully with the
21 subgroup, we'll start getting that resolved.

22 CHAIR LUEDER: That concludes the public comment
23 for this item.

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25 AGENDA ITEM VI(E) - Business Item - Public Input

1 CHAIR LUEDER: Moving on to our last item,
2 Business Item VI(E), Commission will solicit public
3 input for the grants program for the 2011/2012 cycle.

4 OHMVR KELLY LONG: Thank you again,
5 Commissioners. This last item is actually not an
6 option. It is one of your many and varied
7 responsibilities. The OHV Commission under the Public
8 Resources Code is, among other things, to include a
9 public meeting before the beginning of each grant
10 program cycle to collect public input concerning the
11 program recommendations for program improvement and
12 specific project needs for the citizens. So this is an
13 opportunity for the Commission to hear some ideas, and
14 an opportunity for the Division to hear suggestions,
15 identify perhaps problem areas that we haven't
16 considered, been aware of, as we are going through with
17 the grant program, then the grant cycle.

18 And, of course, you may also be asking yourself
19 why if when I spoke to you earlier this morning we were
20 in the middle of reviewing the grant cycle, why are we
21 talking about it today in advance of next year's grant
22 cycle. Realistically, with the Commission's schedule,
23 this is the last opportunity for the Commission to hear
24 public input on this that would allow us to receive
25 comments, ideas, suggestions from the public in this

1 venue that would allow us to then incorporate it
2 through the Administrative Procedures Act and get it
3 into the regulations that guide the program for next
4 year. Realistically, the timeline is such that if we
5 had some great ideas today, we were able to incorporate
6 them, get a notice out to the public in July, if all
7 things go well, we would be finalizing the regulations
8 in December with the next grant cycle commencing in
9 January. So today is the day.

10 So a little background, some of the
11 Commissioners may not be familiar with the program
12 itself. Again, it is a competitive grants program.
13 The applicants come to the Division on an annual cycle
14 requesting funding in the various categories that were
15 shown on the summary sheet earlier this morning. And
16 the Division is then able to provide comments and the
17 public provides comments. Applicants can hopefully
18 answer questions for us, perhaps improve their
19 applications. Then we get to the final work through
20 that process and make a funding recommendation. Very
21 simplified with the grants, been available to the
22 applicants, the applicants also have to provide a
23 25 percent match at a minimum to the project.

24 So our intent here is hopefully to hear or
25 identify perhaps some issues encountered into that

1 process and hopefully hear it from some of the
2 applicants or other interested parties because they may
3 have a different perspective than we do on how we can
4 continue and evolve this process.

5 DEPUTY DIR. GREENE: If I may, Kelly, because we
6 do have members of the public who were here or weren't
7 here this morning. In particular, as it says in the
8 Public Resources Code, this is the opportunity for the
9 public to give feedback to the Commission on the grants
10 program. So this is really about your opportunity to
11 give that feedback to the Commission that we can hear.

12 OHMVR KELLY LONG: Correct. So the four broad
13 categories that we have for any given grant cycle, Law
14 Enforcement is allocated 20 percent of the funding
15 available; Education and Safety, which is allotted five
16 percent of the available funding; Restoration to which
17 25 percent of the funding goes to; and then we have a
18 larger category called Operations and Maintenance,
19 which includes four subcategories. The Operations and
20 Maintenance gets 50 percent of the allotted funding,
21 and within that Operations and Maintenance, there are
22 provisions for ground operations projects, acquisition
23 projects, development and planning with the idea that
24 ground operations gets more funding and that is to
25 maintain the existing opportunities that we have.

1 Development would be perhaps to build, create new
2 facilities, trails, that sort of thing.

3 DEPUTY DIR. GREENE: And the only other thing,
4 if I may, just following up, keep in mind that earlier,
5 Commissioners, when we were talking about the budget
6 issues, the \$10 million take, the grants program will
7 be reduced by \$5 million. I was hoping to be able to
8 bring you a spreadsheet so that when we look at this,
9 just to give you have the understanding of the grants
10 that were approved last year and the impact that that
11 \$5 million cut is going to have on those grant
12 applicants, keeping those things in mind.

13 OHMVR KELLY LONG: And I would say following up
14 on that, I may actually have the breakdown on that.
15 That \$5 million coming out of the fund would reduce the
16 total number of projects funded comparatively from last
17 year. I think we went from approximately 70 to about
18 52 projects would be getting funded in the Operations
19 and Maintenance. So you can see that we will have a
20 pretty substantial impact.

21 CHAIR LUEDER: Any questions from the
22 Commission at this time? I have one question, actually
23 a comment, and I've made the comment before.

24 I think there should be a minimum score for
25 applicants. If they don't reach 50 percent on their

1 application, then they shouldn't be qualified for that
2 project. That's my personal opinion. I understand
3 that some years there's money left on the table in the
4 grants program, and that goes into our surplus Trust
5 Fund, which then goes into the General Fund, but I
6 still think that having a minimum score of 50 percent
7 is good business and good government. I know we've
8 awarded grants to applicants that have had a score
9 lower than 50, and I wasn't very happy about that. So
10 that's my comment.

11 I don't know if any other Commissioners have any
12 other comments. If not, I will open it up to public
13 comment.

14 TOM TAMMONE: Again, thank you, Tom Tammone.
15 Personally, as a member of the public, I want to see
16 all of the projects on the table. And I say we need
17 the cut line there and just let them fall as they may.
18 We don't know. We want to see the ideas that people
19 are putting out there.

20 I've heard comments about wanting to save money
21 by having an application charge. I want to say I'm
22 against that. You're eliminating some possible good
23 ideas. And what somebody might consider riffraff, many
24 members of the public may not. So I want to see them
25 all on the table as far as money to manage the program.

1 As I said before and others have said, this take
2 of money in the form of withholding it as far as I am
3 concerned is illegal, and I hope that one of the
4 organizations steps up and challenges it in the court
5 or some other way that will be determined later. But I
6 don't want to see us taking rash actions because of
7 possibly illegal actions by our legislators.

8 ED WALDHEIM: Ed Waldheim, Friends of Jawbone,
9 Friends of El Mirage, CTUC. The grants project the way
10 the new OLGA team runs it, I keep giving them
11 congratulations, it's the best ever. I've been around
12 a long, long time, too long. These guys have done the
13 best job ever.

14 Those of you who have the sheet, if you want to
15 pull out the grant sheet, look at the nonprofit side.
16 It's pretty sickening how few nonprofit grants we have.
17 In the O&M category we've only got 792, five projects,
18 three of them are mine. Out of Restoration projects,
19 we have five, one of them is mine so that means there
20 are four other people. Safety and Education, two of
21 them are mine so that means only nine of others'.
22 There's got to be more players out there to really help
23 the agencies from the nonprofit side.

24 COMMISSIONER SLAVIK: You know how to work the
25 system.

1 ED WALDHEIM: What's keeping the nonprofits from
2 applying for it? One, they haven't established a
3 relationship, a working relationship with the agencies
4 because they're the land managers and we have to work
5 through them. Number two, that 25 percent match is a
6 killer; it is an absolute killer for us nonprofits.
7 And because most of us, we've just got wages. We hire
8 some people to do stuff. Friends of Jawbone has been
9 very, very blessed because at one time we got an RTP
10 grant that we bought an incredible amount of equipment
11 to do the work that we do. So Friends of Jawbone is
12 really lucky to be using the equipment that my company,
13 Jay's Maintenance, has five vehicles to use working for
14 Friends of Jawbone. That's a match. But how long
15 should I be able to keep that up? It's not fair for a
16 company, Jay's Maintenance, shop at Home Depot then
17 we'll pay for it. It's not fair. So it's very hard
18 for the nonprofits to pull that off. So that one needs
19 to be something special that we do that on.

20 The other thing is the advances. The advances
21 is another killer. By the time we sign up on July 1,
22 the contract comes out, I sign it, I get my contract,
23 it takes until November 15th if I'm lucky to be able to
24 get any money on the ground. What in the world am I
25 going to do with the staff for three months? I had to

1 go to the bank and borrow money. Roxie just about
2 killed me for doing that. My other option was to lay
3 off the people. I had to borrow money from the bank
4 just to fund the services for BLM Barstow and
5 Ridgecrest Office. That doesn't make any sense at all.
6 I can't even write the interest off because it's not
7 allowable. So the advances for the nonprofits has to
8 go a little bit quicker. We just cannot continue to
9 expect them to carry. No nonprofit has a bundle of
10 money sitting around. It just doesn't exist.

11 Commissioner Kerr, he had the question at the
12 last meeting about setting aside money for
13 acquisitions. When you look at the acquisitions for
14 \$1.3 million, what on the earth are you going to buy
15 for \$1.3 million, not very much. We've either got to
16 increase it or that becomes part of the support budget
17 to take care of that. There's not very much you can
18 really do.

19 The law enforcement side, I always said that we
20 mix the law enforcement for the Forest Service and the
21 Bureau of Land Management off. We cannot work with
22 \$1.56 million in the BLM and the Forest Service for the
23 entire State of California. It is totally undoable,
24 and law enforcement is the key to our success. You
25 have to have law enforcement. I don't know how to deal

1 with that, if that could be through legislation or how
2 we can deal with it. I have no idea how we can deal
3 with that, but that needs to be done.

4 Education, five percent, my God, look at that,
5 we've got more than double the requests for education.
6 Education is the key. We have to hit that harder. So
7 somehow these forms need to be changed a little bit so
8 they make more sense to what we need out there.
9 Whichever way we can get it accomplished, we need to do
10 that. So there's some things that we need to adjust.

11 But, again, without that, if we do not get these
12 grants, next year if we don't get these grants, I hate
13 to tell you what's going to happen. Because I will
14 close the doors. Things will go back again in disarray
15 and disrepair, resource damage, and so forth. Our OHV
16 program needs management and it needs sound management.
17 That's what we, the nonprofits, working together with
18 our partners, the BLM and Forest Service are doing.

19 DEPUTY DIR. GREENE: And just for clarification
20 purposes, the numbers that Ed Waldheim is referencing,
21 those are identified in statute. So under 5090.50 in
22 the Public Resources Code, it identifies for the grant
23 program that 50 percent will go to Maintenance and
24 Operation, 25 percent to Restoration, 20 percent to Law
25 Enforcement and five percent to Education and Safety.

1 So if we were to look at those, that would be a
2 legislative change. We can't do that through the
3 regulation process.

4 What we can do is to try to do better outreach
5 to the nonprofits. Another thing we could perhaps do,
6 if the Commission was interested, we've been trying to
7 persuade the administrative portion of DPR to look at
8 being able to try and get electronic signatures on some
9 of the grants. Right now we have to go back and forth
10 to the agency and grant applicant because it's got to
11 come back to the hard signature. I can't help to think
12 we can somehow improve upon that process and that
13 electronic signatures would work in the program, but
14 right now we don't have that ability to do so.

15 ED WALDHEIM: Mr. Chairman, I forgot one thing.

16 The other issue that we need the Office of
17 Administration to consider is our equipment. I keep
18 saying they did it against me. When they changed the
19 equipment purchase to only \$15,000 for one piece of
20 equipment and \$15,000 for the other piece, a total
21 aggregate of \$30,000, you killed me. So now all of a
22 sudden I've got to go hunt for a dozer for \$15,000. I
23 would just as soon get 30,000. At least I can buy some
24 piece of equipment, it makes some sense. Go buy a
25 pickup truck for 15,000, it's very difficult to do

1 that. So that has hampered us.

2 Thank God for the RTP grant. I'm able to do it.
3 But I'm using old equipment, and I'm driving Kelly
4 crazy with all of these repairs that we're doing. It's
5 old equipment. What do you want for 15,000 or \$7,000?
6 We use it every single day, hundreds and hundreds of
7 miles we put on them. So they're going to get worn.
8 We pay for it upfront or we pay for it after, we're
9 still paying for it. We need some reconsideration on
10 that \$15,000 on equipment.

11 COMMISSIONER VAN VELSOR: Have you heard from
12 other nonprofits from the standpoint of barriers to
13 their successful application, similar to what we've
14 been hearing from Mr. Waldheim?

15 OHMVR KELLY LONG: Actually, no. No offense
16 because, as you might imagine, Ed is one of our more
17 vocal nonprofits, and I say that in jest, but lovingly.
18 Actually, I will say that the groups that Ed is
19 involved with come back more consistently year after
20 year after year. We know we're going to see grant
21 applications from Friends of Jawbone, Friends of
22 El Mirage. The Friends of the Sierra also come in
23 regularly.

24 But some of the other nonprofits frequently come
25 in one time for a project or set of projects. We might

1 not see, perhaps, Friends of Inyo for three years until
2 after they've completed the one- to three-year
3 restoration project that we have. And, of course,
4 recognizing this is the third year, the third grant
5 cycle after the change due to SB 742, so we don't have
6 a whole lot of time depth to look at, but I haven't
7 actually heard any of the other concerns yet regarding
8 the equipment purchases.

9 ED WALDHEIM: We give you deliverables.

10 OHMVR KELLY LONG: That's true.

11 CHAIR LUEDER: That concludes Item E, and I just
12 had a couple of final comments. I want to take a
13 moment to thank Division staff for putting on a very
14 memorable tour yesterday; and I want to thank BLM staff
15 for helping us out on that tour. That was really
16 wonderful, and it was great to ride along with Larry
17 and get some firsthand information; and then also to
18 the volunteers who took their time and their day to
19 come out and show us around in their vehicles, I think
20 all of us, if I can speak for all of us, really
21 appreciated that. And some of us have never been rock
22 crawling before, got quite an education. So I just
23 wanted to thank everybody for that.

24 ED WALDHEIM: Thank you, Tim, for braving the
25 head injury.

1 ATTORNEY LA FRANCHI: Better me than you.

2 COMMISSIONER SLAVIK: Just real quick to staff,
3 were those people that took us on those rides yesterday
4 signed up as volunteers?

5 DEPUTY DIR. GREENE: They would be, but they
6 were not yesterday. They were a group of people who
7 are very, very dedicated to the cause and were so
8 grateful that you came out that when we offered to sign
9 them up as volunteers, they said, no, we don't need any
10 reimbursement. We just want to be there to take them
11 out.

12 COMMISSIONER SLAVIK: That's awesome. I was
13 thinking more about the legal aspect. If one of us
14 would have gotten hurt, what would be the ramifications
15 to the Division?

16 ATTORNEY LA FRANCHI: You would have been
17 covered the same as a state employee. You're
18 considered an official with the State of California, so
19 you would have been covered if you would have been
20 injured.

21 DEPUTY DIR. GREENE: We will always take care of
22 you, Paul.

23 I just want to remind everybody our next meeting
24 is not in five weeks' time, so I know our Division
25 staff is very appreciative of that. So, again, thank

1 you, Division staff.

2 Our next meeting is September 15th and 16th. I
3 will say that there had been some discussion previously
4 about perhaps the Commission having an opportunity to
5 go to the Sand Super Sports Show because we would have
6 some sort of exhibit and it's such a large show. If
7 travel restrictions remain, we are not looking at
8 getting approved for any of those educational shows.
9 We have our educational trailer there. Again, we're
10 trying, so we may want to reconsider the location.

11 CHAIR LUEDER: Call for a motion to adjourn.

12 COMMISSIONER FRANKLIN: So moved.

13 COMMISSIONER SLAVIK: Second.

14 (Meeting adjourned at 4:44 p.m.)

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